

November 21, 2005

Local Rules

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TWENTY-SECOND JUDICIAL CIRCUIT

City of St. Louis

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ADMINISTRATION

RULE 1 DIVISIONS OF COURT

1. Divisions of Court

1. The Divisions of the Twenty-Second Judicial Circuit Court (City of St. Louis) shall be designated Nos. 1 through 31. In addition, there shall be a Municipal Court Division. The divisions of the Twenty-Second Judicial Circuit Court shall be as follows:

Civil Assignment

Civil Trial

Criminal Assignment/Drug Court

Criminal Trial

Equity--Civil

Family

Individual Docket

Minor Civil--No Contest

Minor Civil--Non Jury Contest

Misdemeanor Jury

Misdemeanor--Traffic

Preliminary Hearing

Probate

2. The number of each division and the assignment of a judge to each division shall be as determined yearly by the presiding judge with the approval of the court en banc.
3. On or before November 1, 2004, the Presiding Judge shall designate five of the circuit trial divisions as individual docket divisions, which conduct individual dockets for civil, criminal and equity cases for a period of two years, commencing January 1, 2005 until December 31, 2006. Thereafter, additional divisions shall be so designated each year, with a minimum of four additional divisions each year.

(Amended September 28, 1992; March 24, 1997; December 21, 1998; September 27, 2004)

RULE 2 HOURS AND TERMS OF COURT

2.1 Hours of Court

No Local Rule.

2.2 Terms of Court

No Local Rule.

2.3 Law Days

No Local Rule.

2.4 Particular Matters on Particular Days

2.4.1 Defaults - Causes pending in Division 1 wherein defendant is in default are heard as directed by the Presiding Judge.

2.4.2 Pre-Trial Motions

Division 1 - Pre-Trial Motions of causes pending in Division 1 are heard as directed by the Presiding Judge.

Individual Docket Divisions - Pretrial motions of cases pending in individual docket divisions shall be heard by making application to the clerk of the division in which the case is pending. See Rule 33 for further direction.

(Amended 12/22/80; 9/27/04)

2.4.3 Change of Name, Drivers License Matters, and Friendly Suits - Change of name, drivers license matters and friendly suits are heard in Division 28.

2.4.4 Chapter 517 (Division 27) - Return settings for Chapter 517 causes pending in Division 27 are at 9:30 a.m. Monday through Thursday.

2.4.5 Landlord and Tenant Cases (Division 27) - Rent and possession cases and unlawful detainer and forcible entry and detainer cases are set in Division 27 on Fridays at 9:30 a.m.

2.4.6 Small Claims - Small claims matters are heard in Division 27 at 1:30 p.m. on Tuesdays and Thursdays.

RULE 3 PLEADINGS

3.1 Caption [amended 5/28/02]

All pleadings shall contain a caption which shall, in addition to the matter set forth in Supreme Court Rule 55.02, state the nature of the action, set forth the service address for the defendant, and the division of the Court in which the case will initially be assigned. The caption shall be in the following form:

STATE OF MISSOURI)
) SS
CITY OF ST. LOUIS)

MISSOURI CIRCUIT COURT
TWENTY-SECOND JUDICIAL CIRCUIT
(City of St. Louis)

<u>(Name)</u>)	
<u>(Address)</u>)	
<u>(City)</u>)	
Plaintiff,)	
vs.)	Cause No. 00.00
)	Division No. 0
<u>(Name)</u>)	
<u>(Address)</u>)	
<u>(City)</u>)	
Defendant.		

PETITION FOR ()

3.2 Style

All pleadings and motions intended for filing in any case shall be legibly written on one side of the paper only, either typewritten or printed, double-spaced, on 8½ by 11 inch paper with a top and left-hand margin of at least one inch; shall be signed by the party or his attorney offering the same for filing together with the address, telephone and bar identification numbers of the trial attorney in the case; shall be captioned with the style and number of the case, the character of the pleadings and motions and, if a petition, the nature of the suit and, if consisting of more than one sheet, shall be securely bound at the top and with page numbers at the bottom. Paragraphs of pleadings shall be numbered consecutively. An attorney offering a paper for filing may sign it on behalf of law firm or attorney when duly authorized to do so; but he must also subscribe his own signature on said paper. (The attorney whose signature is affixed to the pleading or paper shall be deemed to be the trial attorney in the case). Where service of summons or

other pleading is requested, a copy of the pleading for each party to be served shall be filed and shall include the address for each party to be served.

The requirement that pleadings and motions be typewritten or double-spaced shall not apply to suits brought by pro se indigents.

(Amended 11/21/83; 7/1/84)

RULE 4 FILING OF CASES

4.1 Criminal Cases

All complaints and informations charging felonies or misdemeanors shall be filed with the Circuit Clerk. All indictments shall be returned in Division 16 of the Court.

(amended 9/27/04)

4.2 Civil Cases

All original petitions and complaints in civil causes that are not otherwise provided for shall be filed in the office of the Circuit Clerk, 1st Floor, Civil Courts Building.

4.2.1 Summons Sent by Clerk

Upon the filing of the petition, the clerk shall forthwith issue the required summons or other process and in cases which require process to be directed to a party other than the Sheriff of the City of St. Louis it shall be mailed or delivered to the attorney who filed it, but if no attorney's name or address is listed it shall be mailed to the plaintiff only upon written request signed by the plaintiff. (Adopted 6/14/82).

4.2.2 Special Process Servers

1. Any person appointed by the Court or the Circuit Clerk to serve process must have a license issued pursuant to the provisions of this rule to serve process.
2. Licenses to serve process shall be issued by the Sheriff of the City of St. Louis if the applicant has met the following qualifications:
 - a. Is twenty-one years of age or older;
 - b. Has a high school diploma or an equivalent level of education;
 - c. Has insurance coverage for any errors or omissions occurring in the service of process;

- d. Has not been convicted, pleaded guilty to or been found guilty of any felony, or of any misdemeanor involving moral turpitude; and,
 - e. Has passed a training course for the service of process which shall be administered by the Sheriff of the City of St. Louis.
- 3. Each applicant for a process server license under the provisions of this rule shall provide an affidavit setting forth such person's legal name, current address, alternate occupations and current telephone numbers. Licensed process servers shall immediately notify the Sheriff of the City of St. Louis of any change in the above information, and the failure to do so shall constitute good cause for the revocation of such person's license.
- 4. The Sheriff of the City of St. Louis shall maintain a list of persons licensed to serve process pursuant to this rule, and shall make such list available to litigants upon request.
- 5. A photo identification card designed by the Sheriff of the City of St. Louis shall be issued in addition to the license. No other identification will be allowed. All licenses must be signed and approved by the Sheriff of the City of St. Louis and the Presiding Judge or his designee.
- 6. A license fee recommended by the Sheriff and approved by the Court En Banc shall be charged to cover the costs of compiling and maintaining the list of process servers and for the training of such process servers. The license fees shall be made payable to the Sheriff of the City of St. Louis.
- 7. A license for service of process issued under this rule may be revoked by the Sheriff with the approval of the Presiding Judge or his designee, for any of the following reasons:
 - a. Misrepresentation of duty or authority;
 - b. Conviction, guilty plea or finding of guilty of any state or federal felony, or a misdemeanor involving moral turpitude;
 - c. Improper use of the license;
 - d. Making a false return; or

e. Any other good cause.

Provided, no service of process made by an appointed process server with a revoked license shall be void if the Court or Circuit Clerk made the appointment in good faith without knowledge of the license revocation.

8. Any person authorized to serve process may carry a concealed firearm as allowed by Section 506.145, RSMo, only while actually engaged in the service of process and only if the person has passed a firearms qualification test approved by a law enforcement agency; provided, however, that any licensed special process server may file a written waiver of the right to carry a concealed firearm and thereby avoid the requirements of firearm training and testing. Any violation of this section shall be considered beyond the scope of the privilege to carry a concealed weapon that is granted by the appointment, and shall constitute good cause for the revocation of the license.
9. Applications for the use of a special process server shall be made on forms available in the offices of the Sheriff and Circuit Clerk. Appointments of special process servers may list more than one licensed server as alternatives.
10. The licenses granted pursuant to this rule shall be good for two years. Each person granted a license shall be required to reapply at the expiration of the license and shall be required to provide all the information required in the initial application, including a current police record check.

(Approved September 28, 1992; amended November 23, 1992; effective May 31, 1995)

4.3 Probate Cases

All petitions, motions, applications, and pleadings in matters before the Probate Division shall be filed with the Clerk on the 10th Floor, Civil Courts Building.

4.4 Juvenile Cases

All causes arising under the Juvenile Code and Adoption Law, and all causes arising under the Child Labor and Compulsory Education laws of Missouri shall be filed with the Clerk of the Juvenile Division of the Circuit Court.

4.5 Small Claims Cases

Small claims cases shall be filed with the Circuit Clerk,
1st Floor, Civil Courts Building.

4.6 Municipal Cases

All complaints or informations charging municipal ordinance violations shall be filed with the Clerk of the Municipal Division of the Court at the Clerk's office at 1430 Olive Street.

(Amended 11/20/2000)

RULE 5 FEES AND COSTS

5.1 Filing Fee and Cost Deposits¹

Petitions and Applications

Upon Filing\$167.00
Each additional request for service
By the Sheriff of the City of St. Louis\$ 20.00

Inclusions:

- 1) Change of Name
- 2) Civil Proceedings, generally
- 3) Condemnation, new and each exception
- 4) Driver's License Matters
- 5) Execution, Garnishment, Sequestration on Transcript
Judgment for another Court (single deposit for all
such process and any Examination of Judgment of Debtor
on one judgment up to any proceedings for revival)
- 6) Foreign Judgment
- 7) Mechanic's Lien Suit
- 8) Motions after judgment with service requirements as
for a petition
- 9) Non-Jury Matters
- 10) Pro-Forma Corporation dissolution, merger, new
- 11) Revival of Judgment (Scire Facias)
- 12) Warehouse License

Exclusions:

- 1) Adoptions - Upon filing
Petition for transfer of custody and adoption...
.....\$225.00
GAL fee for one child.....\$200.00
GAL fee for each additional child\$ 30.00

¹ Amended 9/15/97; 5/26/98; 9/10/01; 9/29/03; 11/21/05

Petition for either transfer or adoption.....\$225.00
GAL fee for one child.....\$100.00
GAL fee for each additional child\$ 30.00

Adult Adoption\$225.00

2) Chapter 517 Causes

Inclusions

1) Driver's License Matters filed under Chapter 517
Procedures

2) Foreign Judgments filed under Chapter 517
Procedures

3) Revival of Judgment (Scire Facias) filed under
Chapter 517 Procedures

Upon Filing\$115.00

Each additional request for service by
Sheriff of the City of St. Louis\$20.00

Upon Certification\$ 52.00
(by the responsible party as determined by the Court)

Landlord/Tenant and
Unlawful Detainer\$115.00

Each additional request for service by
Sheriff of the City of St. Louis\$20.00

Trial De Novo

Upon Filing\$167.00

Small Claims

Upon Filing\$ 80.00

3) Domestic Relations

Upon Filing\$ 199.00

Motions after judgments with
requirements for a petition\$199.00

Motion to Terminate Child Supportno deposit
(Costs assessed on disposition)

Adult Abuse and Child Abuseno deposit
(Costs can be assessed to respondent)

Uniform Support Matters

(at instance of obligee)no fee

4) Expungement Petition pursuant to § 610.122

Upon filing\$147.00

5) Probate

See Sections 483.580; 488.012

- 6) Pro Forma Corporation,
modification of articles\$ 50.00
- 7) Warehouse license, renewal\$ 46.00
- 8) Motions for Civil Contemptno fee

Additional Fees for Service:

Registered Mail\$ 5.77
for each defendant

Sheriff's Fee\$ 20.00
for service of summons on each defendant.

Other fees to be paid in advance at rate specified by
Section 57.280 RSMo.

5.2 Costs²

Pertinent Statutes,
Rules and Orders

Appeals Docket Fee.....\$ 70.00 COR 21.01(g);
488.031

Appeal, Transcript.....per mandate S. Ct. Rule
of Appellate 84.18
Court

Clerk Fees

Small Claims\$ 10.00 COR 21.01(f)

Associate Circuit Court\$ 15.00 COR 21.01(j)

Applications for Trial de Novo
from Small Claims or Associate
Circuit Court\$ 45.00 COR 21.01(k)

Other Civil\$ 45.00 COR 21.01(k)

Court Automation Fund\$ 7.00 COR 21.01(d)

Court Restoration Fund\$ 45.00 488.447.1

Daily Record\$ 2.00 Order of Court

² Amended 11/25/96; 9/15/97; 11/24/97; 9/29/03; 11/21/05

Domestic Violence Shelter	\$ 2.00	488.445.2
Domestic Relations Resolution Fund	\$ 3.00	488.635
Court Appointed Special Advocate Fund	\$ 2.00	488.636
Sheriff's Retirement Fund	\$ 3.00	488.024
Basic Civil Legal Services Fund Supreme Court and Court of Appeals	\$ 20.00	488.031
Circuit	\$ 10.00	
Associate	\$ 8.00	
Depositions (if claimed & properly certified) 492.590;		
(The cost shall be certified by the reporter and shall be further limited by the Court when requested, as set forth in § 492.590.)		
Family Court Surcharge.....	\$30.00	488.2300
(fee collectible in proceeding within family court jurisdiction (not charged where no filing fee is required) and fee may be assessed up to \$30.00 in juvenile proceedings.		
Guardian ad litem.....	per order of court	452.490
Judge's Fee.....	\$ 0.00 ³	
Library Assessment.....	\$ 15.00	488.426
(not charged when costs are waived or are to be paid by the county or state or any city, and furthermore not charged in any cases in the Probate Division, except the following:		
1) When letters are applied for, or are requested to be granted, in decedent proceedings.		

³ Fee omitted 9/21/81

2) When the Public Administrator files his notice pursuant to § 473.753 RSMo.

3) When letters are applied for, or are requested to be granted, in guardianship and/or conservatorship proceedings)

Mail, certified or registered ..Cost of Local Rule
Postage 5.2
Probate, see 488.012

Recording Decree of Dissolution

City of St. Louis\$ 32.00 plus
fee and \$ 5.00 per each additional page.

Other Missouri CountyActual charge

Reporter, Court.....\$ 15.00 COR 21.01(t)
(Assessed on all Circuit Division cases)

Sheriff.....As provided by statute and
submitted by Sheriff §§ 57.280,
57.290 and 488.435

Witness (if claimed)

In State Resident, per day\$ 25.00 491.280.1
Plus mileage

Out of State Resident, per day . \$ 15.00 488.035

5.3 Witness Fee

No Local Rule

5.4 Waiver of Fees

Applicants to the Court for permission to sue as a poor person must, unless unavoidably prevented, be present in person when the application is made. Every such application must be accompanied with the petition in the cause, unless already filed, and with an affidavit stating the inability of the applicant to pay or provide security for the costs of the suit, whether prior application has been made, the period of time the applicant has resided in the Circuit, and that the applicant has truthfully stated to counsel all the facts bearing on the cause and has been advised by said counsel that he has a meritorious cause of action. Leave to sue as a poor person shall be granted as to part or all of the costs of the Circuit Court only. Unless the cause is already pending in another division, all such applications shall be presented to the Judge presiding in Division No. 1; except that applications made

in conjunction with adult abuse petitions shall be presented to the Judge presiding in Division 14, and applications for waiver of fees in domestic relations or dissolution of marriage cases shall be presented to the judge presiding in Division No. 15. (Amended 2/14/89).

5.5 Motion for Security for Cost

No Local Rule.

5.6 Trial de Novo, Misdemeanor and Municipal Ordinance

There shall be a deposit of costs for \$70.00 made with each application for trial de novo from the judgment in any misdemeanor or municipal ordinance cause. No application for trial de novo shall be accepted and filed by the Circuit Clerk or the Municipal Clerk unless such deposit is made or unless a Judge in the Division wherein the judgment has been rendered grants leave to the applicant to proceed as a poor person upon the filing of a sufficient affidavit.

5.7 Taxation

Within thirty (30) days after entry of judgment or dismissal of a case the parties shall claim taxable court costs on such form as is provided by the Circuit Clerk.

(adopted 4/6/98; amended 11/20/00)

RULE 6 ASSIGNMENT OF JUDGES, CASES AND TRANSFER OF CASES

6.1 Assignment to Associate Circuit Judges

6.1.1 By Local Court Rule or Order

6.1.1.1 Division 29

If counsel for plaintiff designates in writing at the time of filing any case within the categories set forth in Rule 6.1.5(a) below, that it will be heard under the civil practices and procedures applicable before Circuit Judges, the Clerk shall assign the cause to Division 29.

6.1.1.2 Division 14

Family Court cases shall be assigned to Division 14 as provided in Rule 100.8.1.

(amended 3/29/99)

6.1.1.3 Division 25

All preliminary hearings in felony cases shall be heard and determined by an Associate Circuit Judge presiding in Division 25.

6.1.1.4 Division 26

All misdemeanor cases shall be heard and determined by an Associate Circuit Judge presiding in Division 26.

6.1.1.5 Division 27

(a) Unless the counsel for plaintiff designates in writing at the time of filing the case that it shall be heard and determined under the civil practice and procedure applicable before Circuit Judges, the Clerk shall forthwith assign to Division 27 all civil actions proceedings for the recovery of money, whether such action be founded upon contract or tort, or upon a bond or undertaking given in pursuance of law in any civil action or proceeding, or for penalty of forfeiture given by any statute of this state, when the sum demanded, exclusive of interests and costs, does not exceed \$5,000.00.

(b) The following classes of cases shall also be assigned to Division 27: (1) Small Claims cases as provided in Sections 482.300 through 482.365; (2) Such other cases as could have been heard by a Magistrate Judge on January 1, 1979, without as assignment as an Acting Circuit Judge, including but not limited to replevin, attachment and mechanic's liens where the recovery sought is less than \$5,000.00, actions for unlawful detainer authorized by Chapter 534, and actions for rent and possession authorized by Chapter 535.

6.1.1.6 Division 28

Upon the return date of any civil cause pending in Division 27, in the event that the defendant appears in person or by attorney and indicates to the Court that the matter will be contested, the Associate Circuit Judge presiding in said Division shall forthwith assign said cause to Division 28 for further proceedings.

The following classes of cases shall also be assigned to Division 28: Petitions for review of drivers' license revocations and for hardship driving privileges, of contested proceedings for the approval of settlements of suits involving claims by persons under 18 years of age and uncontested actions involving the title of real estate.

6.1.2 Special Assignment

No Local Rule

6.2 Assignment to Circuit Judge

(amended 3/29/99; 9/27/04)

6.2.1 All civil jury cases not otherwise provided for shall be assigned to Division 1 for placement on the Civil Master Docket.

6.2.2 *Civil Master Docket Divisions* The Presiding judge shall assign all cases on the Civil Master Docket to a judge in a civil master docket division as provided for in these rules.

6.2.3 *Individual Docket Divisions* At the time of filing, five percent of all civil cases shall be assigned randomly to each of the individual docket divisions. The judge presiding in Division Twenty-Five shall assign randomly to each of the individual docket divisions five percent of all felony cases where the defendant has been ordered to appear and answer the charge.

6.2.4 *Equity and Non-Jury Cases* - All equity cases shall be assigned upon filing to the Equity Division(s) of the Circuit Court as designated each year by the Presiding Judge except as provided hereinafter. Causes so assigned shall include suits for Accounting, Construction of Will or Trust, Declaratory Judgment (except paternity suits),

Corporate Dissolution, Election Contest, Equitable Mechanics Lien, Mandamus, Partition, Prohibition, Quiet Title, Receivership, Special Tax, Specific Performance, Quo Warranto, Certiorari (except Certiorari proceedings filed under the unlawful detainer statutes), Successor Trustees under Wills and Inter Vivos Trusts, and any other suit cognizable in equity. Five percent of all such cases shall be assigned randomly to each of the individual docket divisions at the time of filing.

Administrative reviews on a record made before an agency shall be assigned to the Presiding Judge for random assignment to judges in the civil master docket divisions, with five percent of such cases assigned randomly to each of the judges in the individual docket divisions.

6.2.5 Complex Cases - Whenever there are three or more actions pending in this Circuit involving claims of personal injury by multiple plaintiffs against the same defendants or groups of defendants, arising out of exposure to a product or substance or workplace hazard, or arising out of a common catastrophic event, the Presiding Judge shall confer with the judges of the individual docket divisions to which such cases are randomly assigned, and may determine that the administration of justice would be served by reassigning such cases to a single individual docket division. Whenever such a reassignment is warranted, the Presiding Judge shall enter an order to that effect, and shall reassign such cases to a designated individual docket division; provided, that in making any such reassignment of cases, the Presiding Judge shall also reassign from the receiving individual docket division a sufficient number of cases so that the workload of the individual docket divisions will be equalized as far as possible.

6.2.6 Family Court - Family Court cases shall be assigned to circuit judges as provided in Rule 100.8.1.

6.3 Certification to a Circuit Division

In the event any party to a contested case pending in Division 27 or 28 undertakes discovery of more than five interrogatories (including sub-parts) directed to any one party, or the taking of more than one deposition on the part of any one party, or the request for more than five admissions, or in which a trial by jury is requested, the cause shall be certified by the Associate Circuit Judge presiding in Division 27 or 28. The case shall be tried

on the record under Circuit Court rules and shall be assigned forthwith to Division 29. All other causes that are certified shall be assigned to Division No. 1. The additional cost deposit required for certification of a case to be tried on the record under Circuit Court Rules shall be paid by the party exercising the privilege of extensive discovery or requesting such certification.

All misdemeanor causes and municipal ordinance violations that are certified by reason of a request for a jury trial shall be assigned to Division 24.

(Adopted 12/20/82, amended 11/20/89).

6.3.1 Certification to a Circuit Division

In the event any party to a contested case pending in Division 27, 28 or 29 amends its pleadings in such a manner as to remove the case from the jurisdiction of Associate Circuit Judges, the case shall be assigned to Division No. 1. The additional cost deposit required, if any, shall be paid by the party exercising the privilege of such amendment. (Adopted 11/20/89).

6.3.2 Associate Jury Case Assignments

In all civil cases wherein a jury trial has been requested in Division 27 or 28 or otherwise within the original civil jurisdiction of Associate Circuit Judges, the case shall be assigned forthwith to Division 29. The additional jury cost deposit shall be paid by the plaintiff in such case. All misdemeanor causes and municipal ordinance violations wherein there has been made a request for a jury trial, shall be assigned to Division 24. (Adopted 11/20/89).

6.4 Trial De Novo

Trials de novo of cases heard and determined by Associate Circuit Judges not on a record shall be assigned to Division 29. All trials de novo from cases heard in the Municipal Division of the Circuit Court, and all trials de novo of misdemeanor cases not tried on a record shall be assigned to Division 24, presided over by an Associate Circuit Judge.

Rule 6.5 Disqualification

Whenever a judge in an individual docket division is disqualified in a civil or equity case, the disqualified

judge shall notify the presiding judge. Whenever a judge in an individual docket division is disqualified in a criminal case, the disqualified judge shall notify the criminal assignment judge. Once the presiding judge or criminal assignment judge is notified of such disqualification, he/she shall randomly select another division from the remaining circuit divisions. If the division selected is an individual docket division, the case shall be assigned to that division forthwith. If the division selected is a master docket division, the case shall be assigned to the master docket, Division 1 for civil, Division 16 for criminal and the Equity Division for equity cases. If the receiving division is an individual docket division or the equity division that judge may request that the presiding judge reassign one of his/her cases to the disqualified judge's division in order to balance the case load. If the receiving division is part of the master docket, the presiding judge or criminal assignment judge shall assign another like case to the disqualified individual docket division to balance the case load.

Whenever a judge in a master docket division is disqualified in a civil case, except the presiding judge, the disqualified judge shall notify the presiding judge, whereupon the presiding judge shall assign the cause to the next open division. If the presiding judge is disqualified, the presiding judge shall notify the judge sitting in Division 2, who shall assign the cause to another judge. If the judge sitting in Division 2 is unavailable, the presiding judge shall notify the judge sitting in the equity division, who shall assign the cause to another judge. If, after assignment of a criminal case to a circuit judge in a master docket division, a disqualification of the judge is granted, the judge shall forthwith transfer the case to the next available criminal trial division. If an application for change of judge is granted by an associate circuit judge in a criminal case, the disqualified judge shall notify the presiding judge, who shall assign the case to another judge.

(Amended 9/21/81, 1/1/86, 5/26/87, 11/20/00; 6/1/04; 9/27/04)

6.6 Absence of Judge

If one of the Judges is excused from presiding in his Division, the Presiding Judge of the Circuit Court may designate any other Judge to preside in his place; provided that a Circuit Judge shall not be assigned to preside in an Associate Circuit Judge Division without his consent.

6.7 Absence of Presiding Judge

See Rule 100.1.1 on Assistant Presiding Judge.

6.8 Assignment of Judges

(Amended 9/27/93; 10/22/03)

6.8.1. Each of the eighteen circuit judges with the greatest seniority as circuit judges shall select one of the jury trial divisions of the court to be his or her permanently assigned division. The following divisions may not be selected as permanently assigned divisions: Divisions 1, 2, 15, 16, 30 and 31.

6.8.2. Following selection of permanently assigned divisions, no judge having such a permanent assignment shall change his or her assigned division, except by specific direction of the Presiding Judge. Judges without permanently assigned divisions shall be assigned to available divisions by the Presiding Judge.

6.8.3. When circuit judges with permanently assigned divisions are serving as Presiding Judge, civil motion/equity judge, criminal assignment judge, probate judge, or family court judges, their permanently assigned divisions shall be assigned temporarily by the Presiding Judge to circuit judges with no permanently assigned divisions until such time as the permanently assigned judge returns to the division.

6.8.4. When a circuit judge with a permanently assigned division leaves office or relocates to another permanently assigned division, the Presiding Judge shall assign the vacated division to the next most senior circuit judge requesting the division.

6.8.5. On or before November 1st of each year, the Presiding Judge shall designate the circuit judges who will sit as criminal or civil trial judges, equity/civil trial/civil motion judges, family court judges, and probate judge during the next calendar year. The assignments shall be made so that not more than 4 divisions in the Civil Courts Building will sit as full time criminal trial divisions. On or before November 1st of each year, following consultation with the associate circuit judges, the Presiding Judge shall assign associate circuit judges to regular service in the respective divisions of the court regularly assigned to associate circuit judges.

6.9 Assignment of Newly Appointed Judge

Whenever any Judge shall be appointed to the Circuit Court he shall be assigned by the Presiding Judge of the Circuit Court.

6.10 Temporary Assignment of Judges

The Presiding Judge may, from time to time, pursuant to law, as he deems necessary for the efficient operation of the Court temporarily assign a Circuit or Associate Circuit Judge to sit in any division of the Circuit or to hear and determine any cause or matter within the jurisdiction of the Court, provided a Circuit Judge shall not be assigned to a division presided over by an Associate Circuit Judge.

6.10.1 Division 1 Duty Judge

The Presiding Judge shall establish a list of rotating judges from the civil trial, domestic relations and probate divisions, to serve as duty judge in Division 1 on Friday afternoons during the regular hours of court to perform such temporary duties as may be assigned. (Adopted 5/28/91).

6.11 Assignment of Civil Jury Cases

All civil jury causes and proceedings instituted in the Circuit Court and originally assigned to Division 1 shall be thereafter assigned by lot by the civil calendar clerk of Division 1 under the supervision of the Presiding Judge to the appropriate civil jury trial division for trial unless otherwise provided by these rules.

6.12 Duty Judges (adopted 9/15/97)

6.12.1 Roster

The Presiding Judge shall from time to time establish a roster of duty judges, which roster shall distribute equally the burden of serving among all of the circuit judges and associate circuit judges of the Court.

6.12.2 Responsibility of Duty Judge

The duty judge shall be responsible for receiving and considering petitions for orders of protection and complaints initiating criminal cases and for setting conditions of release during those times when the office of the Circuit Clerk is closed. (amended May 31, 2005)

6.12.3 Facsimile Machine

The Court Administrator shall provide the duty judge with a cellular facsimile machine for receiving petitions and complaints under this rules.

RULE 7 WITHDRAWALS OF PAPERS FROM CLERK'S OFFICE

7.1 When Allowed

The Clerk of that Court shall not permit the court files or parts thereof to be withdrawn by attorneys except such clerk may, by leave of the Court in writing, for a specified time, permit the withdrawal of papers, documents, depositions, and exhibits on the giving of a written receipt. The jacket, wrapper or folder of a file, containing the Court's minute entries, shall not under any circumstances be withdrawn either by leave of Court or otherwise. Any part of a file withdrawn as provided for in this Rule, shall be returned within the time fixed by the Court, and the receipt given therefor shall so specify. Depositions may not be withdrawn for more than five days.

7.2 Duplicating Policy

Requests for copies of court records concerning civil causes should be directed to the Copy Department on the 1st floor mezzanine in the Civil Courts Building. Requests for copies of court records for misdemeanors and preliminary hearings should be directed to the Circuit Clerk's Office on the 1st floor in the Municipal Courts Building. Requests for copies of court records concerning felony cases should be directed to the Circuit Clerk's Office on the 3rd floor in the Municipal Courts Building.

No charge shall be made for copies of documents furnished to any city, county, state agency or state department. Parties will be charged the rate as specified below for all other documents requested:

- a. Certified
 - 1. first page \$3.50
 - 2. additional pages:
 - by photocopy .50
 - typed from record 1.00
- b. Authenticated:
 - 1. first page \$4.00
 - 2. additional pages
 - by photocopy .50
 - typed from record 1.00

c. Photocopy \$.30

d. Copy from Microfilm
1. per page \$5.00

(Amended 9/10/01)

RULE 8 PUBLICATION OF DOCKETS

8.1 Trial Docket

See Rule 36.

8.2 Dismissal Docket

See Rule 37.

RULE 9 COURTROOMS

9.1 Assignment of Courtroom

No Local Rule.

9.2 Place of Hearing

No Local Rule.

9.3 Use of Counsel Table

The side of the counsel table nearest to the jury shall be occupied by the plaintiff's attorney. The side of the counsel table farthest from the jury shall be occupied by the defendant's attorney.

(amended 11/20/00)

9.4 Courtroom Decorum and Dress

When examining a witness, counsel shall stand or sit at the counsel table, but when addressing the Judge they shall stand at the counsel table.

(adopted 11/20/00)

9.5 Who is Permitted Within Bar

No Local Rule.

RULE 10 COURT REPORTERS AND COMPENSATION OF SAME

10.1 Court Reporters for Substitute Judge

When a Judge is temporarily relieving or substituting for another Judge, the official Court Reporter appointed by the Judge relieved or accommodated shall act as reporter for the substitute Judge in matters requiring a reporter's services, unless otherwise ordered by the substitute Judge.

10.2 Swing Court Reporters

Court Reporters shall be relieved by swing reporters on a schedule established by the Court Administrator and approved by the Presiding Judge.

10.3 Identification of Court Reporters in Judges' Docket Sheet

The Clerk of the division wherein a cause is tried, whenever any testimony is heard, shall place in the Judge's docket sheet the full name of the reporter taking same. The Clerk of the court shall be responsible for insuring this identification of the Court Reporter appears in the appropriate Judge's docket sheet.

10.4 Deposits for Transcript

Preparation of any transcript on appeal by an official Court Reporter shall not begin until the person ordering such transcript makes a cash deposit with the reporter of such amount as the reporter reasonably estimates such transcript will cost. In the event any cash deposit exceeds the cost of the transcript ordered, the excess shall be refunded to the person who ordered the transcript upon its completion. In the event the deposit is insufficient to pay for a transcript, the remaining unpaid portion of the cost shall be due upon the delivery of the transcript to the person who ordered it prepared. Payment will be made to the reporter who prepared it. Preparation of a typewritten transcript of a record preserved by electronic recording device shall not begin until the clerk is paid a sum sufficient to cover the estimated cost of this work. The estimated charge will vary depending upon how the typewritten copy is to be prepared. If the appellant desires the Circuit Court to forward the material to the office of State Courts Administrator for transcribing, the estimated cost will be based on the rates authorized for transcripts prepared by an official Court Reporter. If the appellant desires to make arrangements for his own typist to prepare the transcript, the deposit required will be based on the estimated cost of having clerk personnel supervise the copying of the tape which was used to electronically record the proceedings. It is the responsibility of the appellant to

pay this amount upon being presented with a bill by the Circuit Clerk.

10.5 Copies of Criminal Transcripts on Appeal

The Official Court Reporters of the 22nd Judicial Circuit shall prepare an original and three copies of all transcripts on criminal appeals, pursuant to Supreme Court Rule 30.04, and of all transcripts on appeal arising out of criminal proceedings pursuant to Supreme Court rule 81.12. (Adopted 6/14/82)

RULE 11 RECORDING OF JUDICIAL PROCEEDINGS

All persons except those authorized by the Court to preserve the record shall refrain from broadcasting, televising, recording or taking photographs in the courtrooms.

RULE 12 MONIES PAID INTO COURT

12.1 Bond in Civil Case

No Local Rule

12.2 Court Custody of Money and Reports

Money or property deposited into the Circuit Court in any pending cause, excepting fees and costs, when received by the Clerk shall be separated, packaged and labeled with the style of the cause. If deposited in any bank, the same shall be evidenced by certificate of deposits showing in what cause the money was deposited.

12.3 Withdrawal of Money and Property

No money or property deposited into the Circuit Court shall be withdrawn except on an order signed by a judge of the Court.

12.4 Accounting for Money and Property

When required by the Judge presiding in any division of the Circuit Court, the Clerk of the Court shall exhibit to such Judge an account of all money and property received in every cause pending in that division, with vouchers showing what disposition has been made of such money or property.

RULE 13 COMMUNICATIONS WITH COURT

13.1 Oral Communications with the Court

No Local Rule

13.2 Written Communications with the Court

An attorney or party who sends a written communication to the Court concerning a pending cause shall send a copy to the opposing counsel.

GENERAL RULES

RULE 21 ATTORNEYS

21.1 Resolution of Conflicting Trial Settings

Conflicting trial settings shall, in the first instance, be resolved by the judges presiding over the cases with conflicting settings. If those judges are unable to resolve the conflict, the conflict shall be resolved by the Presiding Judge. In general, the following guidelines shall be employed to resolve conflicts:

- A. Cases pending before circuit judges take precedence over cases pending before associate circuit judges.
- B. Criminal cases take precedence over civil cases.
- C. Older civil cases take priority over newer civil cases.
- D. Criminal cases shall be given priority as follows:
 - 1. Speedy trial cases.
 - 2. Cases involving out of town witnesses.
 - 3. Cases where the defendant was arraigned more than one year ago, whether or not the defendant is confined.
 - 4. Cases where the defendant is confined.
 - 5. Cases where the defendant is not confined.
 - 6. Within the above categories, criminal cases involving child victims or witnesses take priority over cases not involving child victims or witnesses;
 - 7. Within the above categories, older cases take precedence over newer cases.

(adopted 9/27/04; amended 5/31/05, 11/21/05)

21.2 Entries of Appearance

As soon as possible after employment, attorneys must enter their appearance by filing a memorandum with the Clerk.

21.3 Conduct of Attorneys

No Local Rule

21.4 Withdrawal of Attorneys

The conditions under which an attorney is allowed to withdraw from the employ of a client are set out in Supreme Court Rule 4 (Code of Professional Responsibility) Canon 2, Ethical Consideration 2-32 and Disciplinary Rule 2-110. An attorney who desires to withdraw as attorney of record for any party to any action pending in the Court shall comply with the following procedures unless substitute counsel has entered his appearance.

The attorney shall file a written motion requesting leave of court to withdraw. (See Rule 33). If the case is then set for trial, the reason for the request must be set forth in the motion. Attached to the motion shall be a notice of the date and time at which the moving attorney will call up the motion before the court for hearing. A copy of the motion and the notice shall be served upon all parties, including the client from whose employ the attorney is seeking leave to withdraw, in the manner provided by Supreme Court Rule 43.01. If the case in which the attorney is seeking leave to withdraw is a criminal case, the notice shall instruct the client that the client must appear in person at the hearing.

The last known address of the client from whose employ the attorney is seeking leave to withdraw shall be plainly set out in the motion or the certificate of service thereon.

The attorney seeking leave to withdraw must appear in open court and call up the motion at the time specified in the notice. If the case in which the attorney is seeking leave to withdraw is a criminal case, it shall be the duty of the client to appear in person in compliance with the notice mentioned above.

If the client fails to appear, and if the attorney is granted leave to withdraw, the attorney shall immediately notify his former client by letter of the attorney's withdrawal and shall send a copy of the letter to the clerk. Such letter shall advise the former client of any scheduled court proceedings or pleading deadlines in the case. For Municipal Division, see Rule 69.10.

21.5 Failure of Attorneys to Answer Docket

No Local Rule.

21.6 Appointment of Attorneys

No Local Rule

21.7 Agreement of Attorneys

No agreement, understanding or stipulation of the parties or their attorneys concerning any pending cause, or any matter of proceeding therein, will be recognized or enforced by the Circuit Court unless made in writing and filed in the cause or made in open court.

21.8 Advice to Clients and Witnesses of Court Procedure

When the rule as to exclusion of witnesses is invoked, each attorney is charged with the duty of seeing that the witnesses comply with that rule. If any witness violates the rule, whether willfully or otherwise, such witness shall not be permitted to testify, except by consent of opposing counsel or unless the court, in its own discretion, rules that justice requires such testimony be received, under all the circumstances to be considered.

RULE 22 APPOINTMENT OF GUARDIAN AD LITEM

Guardians ad litem shall be appointed to represent persons affected by proceedings whenever necessary.

RULE 23 TRANSCRIPTS

No Local Rule

RULE 24 EXHIBITS

The attorney is responsible for all exhibits before, during and after trial. Exhibits should be marked for identification prior to trial.

RULE 25 ENTRIES OF APPEARANCE (PARTY)

Except in causes where service is acknowledged on the writ, all entries of appearance by a party without counsel to a cause must be verified before a person authorized by law to administer oaths.

RULE 26 MEMORANDUM IN SUPPORT OF COURT ORDER

When an order is granted by the Circuit Court on any proceedings had, the party shall prepare and hand to the courtroom clerk a memorandum in support thereof for approval by the Judge. Until this is done no record entry of such order shall be required to be made.

RULE 27 ERROR IN PUBLICATION IN ST. LOUIS DAILY RECORD

Whenever it shall be shown in any cause pending in the Circuit Court that the St. Louis Daily Record has failed to publish, or has incorrectly published, the setting of any cause on a trial docket, the filing of any pleading or motion, or the entering of any order of judgment, and that any party to said cause has relied upon such failure to publish or such incorrect publication, and has thereby been prejudiced, then in determining in any proceeding therein whether or not such party or his attorney was negligent in not taking notice of the correct entry, the Court shall consider such error.

RULE 28 USE OF JUDGES' SIGNATURE STAMPS

Clerks and other court personnel may use a judge's or commissioner's signature stamp only in accordance with the written instruction of the judge or commissioner whose stamp is being used.

[adopted 3/21/05]

PRE-TRIAL MATTERS

RULE 31 CASE MANAGEMENT - DIVISION 1

(adopted 12/23/96; amended 9/15/97; 11/20/00 & 9/27/04)

31.1 Tracks

All cases assigned to Division 1 and all civil cases assigned to individual docket divisions shall be designated as Track 1, Track 2, or Track 3.

31.2 Designation Upon Filing

The circuit clerk shall designate a track upon the filing of each case assigned to Division 1 and the individual docket divisions. The track assigned shall be Track 1, unless the case is a products liability, professional malpractice, Federal Employers' Liability Act, Jones Act, or wrongful death case, in which event it will be designated as "Track

2."

31.3 Redesignation

The Presiding Judge for master trial docket cases and the individual docket judges for individual docket cases may, *sua sponte*, or on motion of a party, redesignate a Track 1 case as a Track 2 case or, if the case is complex, as a Track 3 case, and the judge may redesignate a Track 2 case as a Track 1 case or, if the case is complex, as a Track 3 case. A case cannot be redesignated as a Track 3 case on motion of a party unless the party has submitted a proposed scheduling order.

31.4 Track 1 Deadlines

Track 1 cases are subject to the following deadlines, calculated from the date of filing, which shall be extended only for good cause.

1. 60 days - all parties to have served initial written discovery requests
2. 90 days - all parties to have responded to initial discovery requests
3. 100 days - disclosure of plaintiff's experts
4. 120 days - plaintiffs' experts' depositions completed
5. 135 days - disclosure of defendant's experts
6. 155 days - defendant's experts' depositions completed
7. 160 days - counsel to file certificate of settlement negotiations
8. 165 days - disclosure of plaintiff's rebuttal experts and supplementary disclosure of new experts or new opinions by all parties
9. 180 days - all experts' depositions completed, and case deemed ready for trial

Deadlines designated 3-9 inclusive are extended by 60 days if the parties do not opt out of mediation pursuant to Local Rule 38.

[amended 3/21/05]

31.5 Track 2 Deadlines

Track 2 cases are subject to the following deadlines, calculated from the date of filing, which may be extended only for good cause.

1. 100 days - all parties to have served initial written discovery requests
2. 130 days - all parties to have responded to initial written discovery

3. 180 days - disclosure of plaintiff's experts
4. 220 days - plaintiff's experts' depositions completed
5. 265 days - disclosure of defendant's experts
6. 325 days - defendant's experts' depositions completed
7. 330 days - counsel to file certificate of settlement negotiations
8. 340 days - disclosure of plaintiff's rebuttal experts and supplementary disclosure of new experts or new opinions by all parties
9. 370 days - All experts' depositions completed, and case deemed ready for trial

Deadlines designated 3-9 inclusive are extended by 60 days if the parties do not opt out of mediation pursuant to Local Rule 38.

[amended 3/21/05)

31.6 Track 3 Deadlines

Track 3 case deadlines are established on a case by case basis.

31.7 Standard Discovery

Plaintiffs should obtain relevant medical records and signed authorizations prior to filing suit. The documents shall be made available for inspection and copying by counsel for defendant (at defendant's cost) within five (5) days of defense counsel's entry of appearance. Plaintiffs shall serve pattern interrogatories approved pursuant to Local Rule 32.2.2 with the petition. Defendant shall serve answers within the time prescribed by the Rules of Civil Procedure. Defendants shall make documents available for inspection and copying by counsel for plaintiff (at plaintiff's cost) within five (5) days of the filing of the answer. Defendant shall serve the pattern interrogatories approved by the Court pursuant to Local Rule 32.2.2 at the time of defense counsel's entry of appearance. Plaintiff shall serve answers within the time prescribed by the Rules of Civil Procedure.

31.8 Certification of Settlement Negotiations

On the date required by Rule 31.4, Rule 31.5, or Rule 31.6, counsel for each party shall sign and file with the Court a certification stating that a written demand and offer for settlement (if any) appear in each counsel's file, and that such settlement negotiations have been conveyed to the clients.

31.9 Docket Management

The primary responsibility for case management shall rest with the Presiding Judge for master trial docket cases and with the individual docket judges for individual docket cases. The judge shall establish whatever procedures are deemed necessary to achieve compliance with Supreme Court Administrative Rule 17. No provisions herein shall be construed as a limitation upon the exercise of discretion on the part of the Presiding Judge or individual docket judges to advance cases on the trial docket, to grant special settings where required for good cause, or in otherwise managing the docket.

STATE OF MISSOURI)
) SS
CITY OF ST. LOUIS)

MISSOURI CIRCUIT COURT
TWENTY-SECOND JUDICIAL CIRCUIT
(St. Louis City)

)
)
Plaintiff,) Cause No.
)
 vs.) Division No. 1
)
)
Defendant.)

SCHEDULING ORDER

The above-styled cause is designated as a "Track 1" case for scheduling purposes, subject to the deadlines set forth herein. All dates are calculated from the date of the petition's filing. Plaintiff shall make all relevant medical records and signed authorizations available for inspection and copying by Defendant's counsel, and Defendant's cost, within five (5) days of defense counsel's entry of appearance. Plaintiff is expected to serve the standard interrogatories together with the Petition. Defendant(s) shall serve answers to the standard interrogatories within the

time prescribed by the Missouri Supreme Court Rules of Civil Procedure. Defendant is to serve the standard interrogatories with counsel's entry of appearance. Plaintiff shall serve answers to the standard interrogatories within the time prescribed by the Missouri Supreme Court Rules of Civil Procedure.

Deviation from this Scheduling Order shall be only by consent of the parties or by leave of Court. Further, this Scheduling Order assumes prompt disposition of discovery disputes. The parties are strongly encouraged to resolve discovery disputes by mutual consent and without the need for Court intervention. In no event shall deviations from the deadlines in this Order or delays in resolving discovery disputes affect the "ready for trial" date set forth herein, except by Court order:

TRACK I: EXPEDITED

- 60 Days: All parties to have served initial written discovery.
- 90 Days: All parties to have responded to initial written discovery.
- 100 Days: Disclosure of Plaintiff's experts.
- 120 Days: Plaintiff's experts' depositions completed.
- 135 Days: Disclosure of Defendant's experts.
- 155 Days: Defendant's experts' depositions completed.
- 160 Days: Counsel for all parties to file certificate of settlement negotiations.
- 165 Days: Disclosure of Plaintiff's rebuttal experts and supplementary disclosure of new experts or new opinions by all parties.
- 180 Days: All experts' depositions completed. No continuances will be granted after this date for incomplete discovery, absent leave of Court for good cause shown. Case deemed ready for trial.

The Court encourages early mediation.

SO ORDERED:

Judge

Dated:

STATE OF MISSOURI)
) SS
CITY OF ST. LOUIS)

MISSOURI CIRCUIT COURT
TWENTY-SECOND JUDICIAL CIRCUIT
(St. Louis City)

)	
)	
Plaintiff,)	Cause No.
)	
vs.)	Division No. 1
)	
)	
Defendant.)	

SCHEDULING ORDER

The above-styled cause is designated as a "Track 2" case for scheduling purposes, subject to the deadlines set forth herein. All dates are calculated from the date of the petition's filing. Plaintiff shall make all relevant medical records and signed authorizations available for inspection and copying by Defendant's counsel, and at Defendant's cost, within five (5) days of defense counsel's entry of appearance. Plaintiff is expected to serve the standard interrogatories together with the Petition. Defendant(s) shall serve answers to the standard interrogatories within the time prescribed by the Missouri Supreme Court Rules of Civil Procedure. Defendant is to serve the standard interrogatories with counsel's entry of appearance. Plaintiff shall serve answers to the standard interrogatories within the time prescribed by the Missouri Supreme Court Rules of Civil Procedure.

Deviation from this Scheduling Order shall be only by consent of the parties or by leave of Court. Further, this Scheduling Order assumes prompt disposition of discovery disputes. The parties are

strongly encouraged to resolve discovery disputes by mutual consent and without the need for Court intervention. In no event shall deviations from the deadlines in this Order or delays in resolving discovery disputes affect the "ready for trial" date set forth herein, except by Court order:

TRACK 2: STANDARD

- 100 Days: All parties to have served initial written discovery.
- 130 Days: All parties to have responded to initial written discovery.
- 180 Days: Disclosure of Plaintiff's experts.
- 220 Days: Plaintiff's experts' depositions completed.
- 265 Days: Disclosure of Defendant's experts.
- 325 Days: Defendant's experts' depositions completed.
- 330 Days: Counsel for all parties to file certificate of settlement negotiations.
- 340 Days: Disclosure of Plaintiff's rebuttal experts and supplementary disclosure of new experts or new opinions by all parties.
- 370 Days: All experts' depositions completed. No continuances will be granted after this date for incomplete discovery, absent leave of Court for good cause shown. Case deemed ready for trial.

The Court encourages early mediation.

SO ORDERED:

Judge

Dated:

RULE 32 DISCOVERY

32.1 Use of Discovery and Certification to Circuit Division

See Rule 6.3

32.2 Interrogatories

1. Any party propounding interrogatories in a civil action shall set forth each question in clear and concise language, leaving an appropriate place below each question for an answer or objection to be inserted. The original shall be served upon counsel for the interrogated party, or the party himself if not represented. None of these papers are to be filed with the Court at this time.

2. The interrogating party shall show upon the interrogatories a Certificate of Service and shall file with the Court at the time the interrogatories are mailed a Certificate of Service which shall include:

- a. The party served.
- b. The date and manner of service.
- c. The designation of the pleading, as first interrogatories, second interrogatories, etc.
- d. The signature of the attorney or party serving the interrogatories.

CERTIFICATE OF SERVICE

The original of the foregoing interrogatories were served by _____ upon _____

(mailing, delivery, etc.)

This _____ day of _____, 20 _____
Attorney _____

3. The answers to interrogatories shall be typewritten in the space provided. In the event an answer is too lengthy to place in the space provided, it shall be attached as an appendix and clearly identified.

4. The interrogated party shall prepare the affidavit to be signed by the appropriate party and attach it as the last page of the interrogatories. When the interrogatories and answers are served, the party serving them shall file with the court a certificate of service.

CERTIFICATE OF SERVICE

The original of the completed interrogatories were mailed or delivered to:

This _____ day of _____, 20 _____
Attorney for _____

5. Objections to certain interrogatories shall be inserted in the place provided for the answers and the grounds therefore shall be stated in detail. Failure to state the grounds for an objection in detail may result in the objection being summarily overruled.

6. Failure to file answers or objections to interrogatories within the time prescribed by Supreme Court Rule 57.01 (a), or as extended by Court Order, shall be grounds for the sustaining of a motion for sanctions. Such motions, upon notice to the opposing party, may be presented to the Court informally at the call of the motion docket but need not be listed upon said docket.

(amended 12/23/91; 3/21/05)

32.2.2 Pattern Interrogatories

Any party propounding interrogatories in medical negligence, FELA, auto accident, and slip and fall cases shall use pattern interrogatories approved by the Court. No objections to the pattern interrogatories will be entertained by the Court.

After receiving answers to the pattern interrogatories, any party that requires further information may propound up to five (5) additional interrogatories without leave of Court. If further information is required after these interrogatories have been answered, additional interrogatories may be propounded only after the party desiring additional information obtains leave of Court. Any interrogatories that are propounded in addition to the pattern interrogatories may be objected to as appropriate.

Pattern interrogatories in Family Court matters are governed by Rule 68.9.

(Adopted November 22, 1993; amended May 31, 1994).

32.3 Depositions

No Local Rule

32.4 Motion for Sanctions

A party seeking an order of Court imposing sanctions to enforce discovery shall file and serve upon the non-complying party or his attorney a Motion for Sanctions

together with a notice of hearing and a certification pursuant to Rule 33.5. At the time specified for said hearing, the attorney for the movant shall prepare and present to court a proposed order setting forth the particular discovery sought, a time within which compliance with the order must be completed and the sanction or sanctions to be imposed for non-compliance. If the party against whom the sanctions are ordered is present in court, in person or by attorney, the order will be effective on the date specified therein. If not, the order will be effective on said date or upon the date of filing of proof of service of a copy of said order by a certified mail receipt or an affidavit of service, whichever is later.

32.5 Criminal Discovery

No Local Rule

32.6 Motions Related to Discovery

1. Material texts must be sent out together. Motions concerning matters arising in the course of discovery pursuant to any Supreme Court Rule shall separately set out in full each question together with any response, objection or other matter material thereto, so that the Court may consider and rule on each question without referring to any other matter in the Court file.
2. The Court may on its own motion and without extending the times provided by the Supreme Court Rules deny any motion which fails to comply with this rule, and on motion of any opposing party the Court may similarly deny the motion and make further order authorized by Supreme Court Rule.

Rule 32.7 Standard Medical Authorization

Parties seeking medical records shall use the standard medical authorization approved by the Court. The parties may, by consent, agree to use any other form for the purpose of obtaining medical records, or to use only portions of the standard authorization. No objections to the standard medical authorization will be entertained by the Court.

(adopted December 23, 1996)

RULE 33 PRE-TRIAL MOTIONS

33.1 Hearing Dates

Except for those cases assigned to individual docket divisions,

civil jury cases shall be retained in Division 1 until all preliminary matters are disposed of in the cases at issue. All preliminary matters shall be called on the Division 1 motion calendar, unless otherwise ordered by the Presiding Judge. Cases shall be listed thereon by entering upon said motion calendar in Division 1 or as otherwise ordered by the Presiding Judge the names of the attorneys, the style and number of the cause and the type of motion or preliminary matter to be heard. Notice of said listing shall be served upon all attorneys of record and unrepresented parties not in default at least three days before the matter is set for hearing. Such notices shall include the motion or preliminary matter to be heard and the day and hour of the call or the motion calendar. Any motion not called up and presented to the Court within thirty days after being filed may be dismissed for want of prosecution or may be taken as submitted and ruled upon by the Court.

Preliminary motions in civil cases pending in Divisions other than Division 1 shall be disposed of and heard in the division in which the case is pending.

Pretrial motions in cases pending in individual docket divisions shall be heard in the individual docket division in which the case is pending by making application to the clerk of such division. All motions to transfer for improper venue or to dismiss based on the doctrine of forum non conveniens shall be filed in the individual docket division to which the case has been assigned. All such motions shall be heard by the Presiding Judge or as otherwise ordered by the Presiding Judge unless the case is deemed ready for trial pursuant to Rule 31, in which case the motion shall be heard in the individual docket division. The pendency of such motions shall not affect schedules prescribed by Rule 31, and all matters other than motions relating to venue and forum non conveniens shall be heard and determined by the judge of the individual docket division to which the case has been assigned.

For motions in criminal causes see Rule 67.7.

For motions in domestic relations causes see Rule 68.8.

(Adopted 4/6/81; amended 9/27/04)

33.2 Briefs in Support of Motions, When Required

The Court may request briefs as it deems advisable.

33.3 Oral Arguments - When Desired and How Requested

Oral arguments upon motions on any motion docket shall in no case exceed fifteen minutes for each side, unless the Court, for good cause shown, on application made before the commencement of argument, shall otherwise order.

33.4 Motions in Limine

No Local Rule

33.5 Certificate of Attempt to Resolve

The Court will not hear oral argument nor take under submission any motion for more definite statement, objections to interrogatories or the answers thereto, objections to requests for admissions or the replies thereto, objections to motions to produce, or motions for sanctions to enforce discovery, unless there is filed with the Court, together with the notice of hearing, a certification signed by the attorney for the party calling for the hearing which states that he has attempted to discuss the matter with opposing counsel in good faith effort to resolve the disputed issues.

33.6 Motions to Consolidate

A party desiring the consolidation of civil actions or of one or more matters at issue in a civil action shall file a motion in the case first filed. The judge presiding in the first filed case shall rule on the motion. If the motion is granted, the consolidated cases or the consolidated matters shall be reassigned to the judge presiding in the first filed case. Following consolidation, all documents pertaining to the consolidated civil actions or the consolidated matters shall be filed in the first filed case.

(Adopted 9/10/01)

RULE 34 CONTINUANCES

34.1 Civil Cases

All motions for continuances of causes pending in Division 1 shall be made in Division 1 before the assignment of the cause for trial. No continuance shall be granted in any of the divisions for the trial of civil jury causes except for reasons arising subsequent to the assignment of the cause to said division. If a continuance is granted in any civil jury cause after the assignment thereof for trial, said cause shall be returned forthwith to Division 1.

34.2 Criminal Cases

See Rule 67.10.

RULE 35 PRE-TRIAL CONFERENCE

No Local Rule

RULE 36 SETTING CASES FOR TRIAL

(adopted May 27, 1997 - prior rule repealed; amended 9/27/04)

36.1 Request for Trial (Civil Jury)

No Local Rule.

36.2 Date of Calendar Call (Civil Jury)

See Rule 36.4.1.

36.3 Preparation of Calendar (Civil Jury)

36.3.1 Trial Calendar

Master Docket Calendars

The Calendar Clerk shall compile and maintain trial calendars, said calendars to list therein all cases pending in Division No. 1. A case shall be placed initially on a trial calendar in numerical order approximately six (6) weeks after filing, and if not disposed of at that setting, continued until a trial calendar approximately six (6) weeks thereafter, or at such other interval as the Presiding Judge shall deem appropriate.

Individual Docket Calendars

Each individual docket division shall set the assigned cases for trial according to a five week fixed rotating schedule as follows:

Week A: Civil Trial
Week B: Civil Trial
Week C: Non-jury matters (equity trials,
motions, pcr hearings)
Week D: Criminal Trial
Week E: Criminal Trial

Judges in individual docket divisions shall be divided into five groups, to be designated Group 1 thorough Group 5. The Presiding Judge shall assign each individual docket judge to one of the five groups.

The schedules of the individual docket divisions shall be staggered at the direction of the Presiding

Judge such that Group 1 judges shall commence the calendar year with Week A, Group 2 judges shall commence with Week B, Group 3 judges shall commence with Week C, Group 4 judges shall commence with Week D and Group 5 judges shall commence with Week E.

Individual docket judges during their Week C shall be available to handle temporary restraining orders and emergency matters for cases assigned to individual docket judges in their weeks A, B, D and E who are not available to handle such matters.

36.3.2 Presumption of Readiness

In accordance with the terms of Local Rule 31, all Track 1 cases which have been pending for 180 days, all Track 2 cases which have been pending for 370 days, and all cases pending for more than 18 months shall be presumed ready for trial. Any case which is not yet pending for the periods described herein shall not be presumed ready and may be continued on request.

36.3.3 Publication of Calendar and Order of Cases

Each weekly trial calendar shall be published in the St. Louis Daily Record and posted in the office of the Calendar Clerk three (3) weeks in advance of the trial date. Cases shall be listed on the weekly master trial calendars in the order determined by the Calendar Clerk, under the supervision of the Presiding Judge, to best achieve balance between the various types of cases and to avoid attorney conflict and published in the St. Louis Daily Record and posted in the division three (3) weeks in advance of the trial date.

Cases shall be listed on the weekly calendars in the individual docket divisions in an order determined by the judges presiding in those divisions.

36.4 Calendar Call (Civil Jury)

36.4.1 Calendar Call and Assignment of Cases

Cases on the weekly master trial calendar shall be called at 9:00 a.m., or as soon thereafter as the Court completes any informal matters, in Division No. 1 on the date set for trial. Cases will be assigned to each available master trial division until all divisions are filled.

Cases on the weekly trial calendars in the individual docket divisions shall be called at 9:00 a.m., or as soon thereafter as the Court completes any informal matters, in the division to which such cases have been assigned.

At or before 2:00 p.m. on Friday of each week, the judges in the individual docket divisions with civil jury trial assignments for the following week shall give the Presiding Judge with a list of the first three (3) cases on the calendar for the following week. The clerks of each division shall notify the attorneys in these three (3) cases of their position on the trial calendar, and the attorneys and their clients shall appear in the appropriate division the following Monday morning by 9:00 a.m. ready for trial. Should all three of these cases be continued, settled or otherwise disposed of, the judge shall immediately notify the Presiding Judge. The top three cases for trial in each individual docket division shall be transferred among dockets by the Presiding Judge for trial as individual docket judges become available. No individual docket judge shall commence trial of other cases on the judge's calendar until after all of the top three cases in all of the individual docket divisions have been disposed of.

36.4.2 Cases on Standby -- General Provisions

The cases remaining on the master trial calendar after all trial divisions are filled shall be on standby and assigned to divisions as they become available. Cases shall be placed on standby in numerical order, or as otherwise determined by the Calendar Clerk and the Presiding Judge, and the anticipated length of trial shall not be cause to pass over a ready case at any time during the trial week. All cases not assigned to a trial division before 2:00 p.m. on the second to last day of the trial week shall be continued to the pre-designated rollover trial date, unless otherwise ordered by the Presiding Judge.

Cases remaining on the individual docket division calendars, other than the top three cases, shall be placed on standby in an order to be determined by the judge of each division.

36.4.3 Cases on Standby -- Calendar Clerk's Duties

The Calendar Clerk shall maintain the number of cases on standby by adding thereto from time to time throughout each trial week so as to assure the immediate availability of ready cases for assignment to trial divisions. The Calendar Clerk may, at his discretion and under the supervision of the Presiding Judge, reduce the number of cases held on standby. The Calendar Clerk shall maintain contact with the master trial docket Judges throughout each trial week so as to anticipate the number of cases required to be held on standby in order to keep each trial

division occupied and to avoid delays between trials.

The Calendar Clerk shall be responsible for notifying attorneys of master trial calendar assignments. The courtroom clerks in the individual docket divisions shall be responsible for notifying attorneys of trial assignments with regard to the cases assigned to each individual docket division.

36.4.4 Cases on Standby -- Attorneys' Duties

Attorneys with cases on standby shall hold themselves in immediate readiness to commence the trial of the case and shall be responsible to alert all witnesses to be on call. Attorneys shall furnish the Calendar Clerk or the individual docket courtroom clerk with a telephone number at which the attorney can be reached at all times and shall remain available to appear in a trial division within no more than one (1) hour of the time the assignment is made. It shall not be an excuse that the attorney did not actually receive notice of an assignment if the Calendar Clerk or courtroom clerk shall have given notice to anyone at the telephone number furnished by the attorney. If an attorney with a case on standby is assigned to trial in another jurisdiction before the standby case is reached, the attorney shall inform the Calendar Clerk or the courtroom clerk of the trial assignment, and the court and division where the attorney will be in trial. If the matter in such other jurisdiction is continued or otherwise concluded prior to 2:00 p.m. on the second to last day of the trial week, the attorney shall immediately notify the Calendar Clerk or courtroom clerk of the attorney's availability. Failure to comply with the provisions hereof shall subject an attorney to possible proceedings for contempt of court, dismissal of the action, striking of pleadings, or such other sanction as the Court deems appropriate.

36.5 Removal and Inactive Calendar (Civil Jury)

No Local Rule.

36.6 Revision of and Removal from Prepared Calendar (Civil Jury)

36.6.1 Removal of Cases Presumed Ready

No case presumed or deemed ready for trial as stated in Rule 36.3.2 shall be removed from the weekly trial calendar or continued, whether or not agreed to by all parties, except upon a showing of necessity to serve the ends of justice and upon the order of the Presiding Judge if the case is assigned to Division 1, or the judge of the division if the case is assigned to an individual docket

division. The unavailability of a witness which is discoverable prior to the publication of the trial calendar shall not be grounds for a continuance. The failure to have disposed of pre-trial motions shall not be cause for continuance, nor shall the fact that discovery has not been completed, absent a showing that due diligence has been exercised in this regard, and only by leave of the Presiding Judge in the case of master trial calendar cases, or by leave of the individual docket judge. The burden of showing due diligence shall be on the party requesting the continuance for that reason.

36.6.2 Requests for Removal/Continuance

It shall be incumbent upon attorneys to request continuances from the Presiding Judge for master docket cases and from the individual docket judge for individual docket cases no less than five (5) days prior to the publication of the trial calendar. Except in emergencies or for other just cause not discoverable before the deadline stated herein, no untimely continuance requests will be entertained. Requests for continuances in cases on the master trial calendar shall be made to the Presiding Judge, and not to the judges in the trial divisions.

36.7 Special Assignments (Civil Jury)

No provisions herein shall be construed as a limitation upon the exercise of discretion on the part of the Presiding Judge in the case of the master trial calendar or the individual docket judges with regard to individual docket cases, to advance cases on the trial calendar, to grant special assignments or settings where required for good cause, or in otherwise managing the master trial calendar.

36.8 Matters Assigned to Master Trial Divisions (Civil Jury)

36.8.1 Commencement of Trial

Every civil jury cause assigned to a division for trial shall, if possible, proceed at once to trial. If only one case has been sent to the trial division, in no event shall the trial thereof commence later than the day following the assignment of said cause. If more than one case has been sent to the trial division, all cases shall, if possible, proceed to trial before 2:00 p.m. on the second to last day of the trial week. In the event that the trial division will not be able to reach all cases assigned to it, the trial judge shall forthwith inform the Calendar Clerk so as to permit reassignment of the

cause(s). In the event, for any reason whatsoever, the trial(s) shall not begin as herein stated, the trial division shall return the cause(s) to Division No. 1, unless otherwise ordered by the Presiding Judge.

36.8.2 Waiver of Jury

In the event the parties shall waive a jury following assignment to a trial division, the trial shall commence during the week the cause was assigned and in the division where assigned, but only after matters requiring a jury have been concluded. In the event that a jury trial prevents the trial division from hearing the jury-waived matter as herein stated, the trial division shall notify the Presiding Judge for reassignment, continuance or such other resolution agreed to by the trial judge and the Presiding Judge.

36.9 Transfer of Equity Issues (Master Trial Calendar Divisions)

An equity issue pending in a civil jury division may be transferred by the Judge of that division to the Equity Division, or the Judge of the civil jury division may retain the case in the trial division for disposition of the equity issue.

36.10 Mistrial (Master Trial Calendar Divisions)

Whenever a mistrial of a civil jury cause shall result, the trial judge may call for another jury and proceed to try the cause again, or the trial judge may transfer the cause to Division No. 1 where it will be reset on a later trial calendar by the Presiding Judge.

36.11 New Trials and Remands (Civil Jury)

In every civil master trial jury cause in which the trial division shall order a new trial and in which no appeal is taken from such order, and in every civil jury cause which shall be appealed to the Supreme Court of Missouri or to the Missouri Court of Appeals and by such court remanded for a new trial or for further proceedings requiring a trial, the trial court, after receipt and entry of the mandate, may transfer the cause to Division No. 1, or, with the assent of the Presiding Judge, may docket the case for trial in the original trial division; provided, that the Presiding Judge may direct that the case be transferred to Division No. 1. In individual docket divisions, such cases shall be docketed for trial in the individual docket divisions in which the original trials occurred.

36.12 Adjournment (Master Trial Calendar Divisions)

The Judge presiding in each civil master trial calendar division shall advise the Presiding Judge or the Calendar Clerk whenever the cause then on trial in the division is ready for argument. No such judge shall adjourn for the week until the judge shall ascertain from the Presiding Judge that the week's trial calendar has been disposed of, or until consent to do so has been obtained from the Presiding Judge.

36.13 Presiding Judge, Construction

Whenever reference is made in Rule 36 to Presiding Judge, the same shall be construed to include any Judge presiding in Division No. 1 by assignment or request of the Presiding Judge of the Circuit Court.

36.14 Domestic Relations Calendar

36.14.1 Calendars

The Clerks of Divisions No. 14 and 15 shall provide and keep an appropriate record, either by card index or otherwise, which shall be denominated as the "General Domestic Relations Calendar," and shall cause to be entered thereon alphabetically all of the causes which shall by virtue of these Rules be assigned to Divisions No. 14 and 15 and said causes shall be numbered in the order in which they are filed with the Clerk. All preliminary motions shall be disposed of in Division No. 15.

36.14.2 Trial Calendars

The Clerks of Divisions No. 14 and 15 shall arrange settings on their respective trial calendars and enter thereon all causes in which trials shall be requested, or as ordered, by the Judge presiding therein, and cause shall be tried, so far as possible, in the order in which they appear in the trial calendar. An attorney requesting a trial setting in a domestic relations cause must give notice of such setting to opposing parties not in default within 5 days after setting the cause for trial unless a different period is fixed by the Court.

36.14.3 Default Calendar

The default calendar in Division No. 14 shall be set for hearing as directed by the Judge presiding therein.

36.15 Non-Jury Division Calendar

36.15.1 Calendar

The Clerk of the Non-Jury Division shall provide and keep an appropriate index or record, either by card index or otherwise, which shall cause to be entered thereon alphabetically, all of the causes which shall by virtue of these Rules be transferred or assigned to such Division, and said causes shall be numbered in the order in which they are filed.

36.15.2 Trial Calendar

The Clerk of the Non-Jury Division shall arrange settings on the trial calendar in accordance with this rule and the directions of the Judge presiding in the division. All causes pending in said division shall be docketed on a weekly basis, with the first setting automatically scheduled not later than five months after the date of issuance of the summons. The Judge presiding in the division shall have the discretion to set cases for trial or to change the initial trial schedule, or to continue any case, on the Judge's own motion or on motion of the parties. Cases which are not reached for trial on the docketed date or which are removed or continued from a trial calendar shall be assigned a continuance date and shall at all times be carried on a weekly trial calendar. Cases on the trial calendar will be called weekly in the division on Monday mornings at such time as shall be fixed by the Judge presiding.

36.16 Criminal

See Rule 67.10

RULE 37 DISMISSALS

37.1 Dismissal Docket

37.1.1 Civil Jury Docket

The Presiding Judge of the Circuit Court shall, whenever he deems it advisable, upon not less than ten days' notice published in the St. Louis Daily Record, call such of the causes then pending in Division No. 1 as he shall select. Upon such call, any cause shall, in the discretion of the Presiding Judge, be continued or dismissed, and the failure of the plaintiff or appellant to respond in person, or by attorney, at the call of such docket, as herein provided, shall be

deemed and taken as grounds for dismissal of the cause or appeal for failure to prosecute.

37.1.2 Divisions No. 2 and 3

The Judges in Divisions No. 2 and 3 shall not less than every six months cause to be prepared a dismissal docket on which shall be set all cases in which no docket entries have been entered within the past year.

37.1.3 Domestic Relations

The Judges in Divisions 14 and 15 shall not less than every six months cause to be prepared a dismissal docket on which shall be set all cases in which no docket entries have been entered within the past six months.

37.1.4 Chapter 517

The Judges in Divisions 27 and 28 shall not less than every six months cause to be prepared a dismissal docket on which shall be set all cases in which the plaintiff has failed to prosecute his action to judgment within two years after its institution.

37.2 Reinstatement of Cause

Notice of the filing of each application or motion for the reinstatement of a dismissed cause shall, before the filing of same, be served by counsel upon the opposing party of his counsel of record, and proof of such service shall be filed with such application or motion.

RULE 38 VOLUNTARY EARLY DISPUTE RESOLUTION

38.1 Establishment of Program

Pursuant to Supreme Court Rule 17, the Court adopts an alternative dispute resolution program. The program applies to all cases assigned to Division One or to the individual docket divisions.

(Adopted 5/30/95; amended 5/27/97; 11/20/00; 9/27/04)

38.2 Mediation

The alternative dispute resolution program adopted is mediation.

(Adopted 5/30/95; amended 11/20/95, 5/27/97 & 11/20/00).

38.3 Notice of Dispute Resolution Program and Services

a) In all cases to which this rule applies, the Clerk shall provide a notice to the plaintiff or plaintiffs initiating the action at the time the action is filed. All defendants shall be provided the notice along with the summons and petition. The plaintiff or plaintiffs shall be responsible for ensuring that the notice is provided to the defendants.

b) The notice shall advise the parties of the availability and purposes of the Court's alternative dispute resolution services, shall describe the program, shall inform the parties that the names of mediators qualified under this rule and a description of their background and fees may be obtained from the Clerk, and shall notify the parties that an order of referral shall be entered sixty days after the filing of the petition.

(Adopted 5/30/95; amended 11/20/95, 5/27/97 & 11/20/00)

38.4 Order of Referral

The judge before whom the case is pending may enter an order of referral at such time as the judge deems appropriate. The order of referral shall appoint a qualified mediator from the list maintained pursuant to Rule 38.13, and shall notify the parties of their rights under Rule 38.5

(adopted 11/20/00; amended 9/27/04; 3/21/05)

38.5 Response to Order of Referral

Not later than thirty days after entry of the order of referral, counsel for any party, shall respond as follows:

- (1) After conferring with their respective clients, all other attorneys, and all unrepresented parties, and after concluding that referral to alternative dispute resolution has no reasonable chance of being productive, counsel may opt out by so advising the Court, in writing. The notice to the Court shall state why the party is opting out. The matter shall not thereafter be referred by the court to alternative dispute resolution absent compelling circumstances, which shall be set out by the court in any order referring the matter to alternative dispute resolution.
- (2) With the agreement of the other parties, select a different mediator, and notify the Court in writing of that decision.
- (3) With the agreement of the other parties, choose to

participate in an alternative dispute resolution program different than mediation under this rule.

(Adopted 11/20/00)

38.6 Accommodation of Mediation

The Court may grant the parties such accommodations and preferences and enter such orders with regard to scheduling, discovery, and other matters as the Court deems appropriate to facilitate the mediation. The Court may also grant any trial calendar continuances as it deems necessary to facilitate the mediation.

(Adopted 11/20/00)

38.7 Time and Location

If the parties and mediator cannot agree upon the time and location of the mediation, the time and location shall be determined by the mediator with consideration given to the need for discovery, if any, and the convenience of the parties and counsel. In no event shall the scheduling of mediation affect a trial date absent the express, written authorization of the Presiding Judge.

(Adopted 5/30/95; amended 11/20/00)

38.8 Attendance

Unless the Court orders otherwise, all parties (or party representatives with authority to resolve the case) and all other persons necessary to negotiate a resolution, including insurance carriers, shall attend the mediation. (Adopted 5/30/95)

38.9 Information Statement

At least three days prior to the mediation, each party shall provide the mediator and all other parties an information statement setting forth: (i) the identity of each person expected to attend the mediation on behalf of the party, and (ii) a brief summary of the dispute and the party's claims, defenses and alleged damages as the case may be. Upon application of any party or otherwise, the mediator may direct that each party not deliver the information statement to the other parties. The information statement shall not exceed five pages and shall not be filed in the case or made a part of the Court file. (Adopted 5/30/95)

38.10 Confidentiality

The mediation shall be private and confidential as provided in Supreme Court Rule 17.06. No stenographic, electronic or other record of the mediation shall be made. (Adopted 5/30/95; amended 5/27/97 effective 78/1/97)

38.11 Compensation of Mediators

Unless otherwise ordered by the Court or unless the services are provided pro bono, the mediator shall receive such compensation as the parties and the mediator agree. The Court reserves the right to review the reasonableness of fees charged by the mediator. The fee for the mediation shall be borne equally by the parties, unless otherwise agreed by the parties, and shall be paid directly to the mediator. (Adopted 5/30/95)

38.12 Qualifications of Mediators

To qualify as a mediator, the mediator shall meet with the requirements of Supreme Court Rule 17.04.

(Adopted 5/30/95; amended 5/27/97 & 11/20/00)

38.13 List of Mediators

The Clerk and the Presiding Judge shall maintain in Division 1 and make available to counsel, parties, and the public the list of mediators qualified and compiled by the Presiding Judge under this rule. The listing for each qualified mediator shall include such information on the mediator's training, experience, and qualifications. Mediators shall advise the Missouri Bar of any material change concerning their listing. The Court en banc may remove any mediator from the list of mediators in its sole discretion, with or without cause. Any mediator may withdraw from the list of mediators by notifying the Presiding Judge in writing.

(Adopted 5/30/95; amended 11/20/95, 5/27/97 & 11/20/00)

38.14 Disqualification and Withdrawal of Mediators

No person shall serve as a mediator in any action in which any of the circumstances set forth in Section 508.090.1, RSMo exist or may in good faith be believed to exist or under any other circumstances which reasonably call into question the mediator's impartiality. A mediator may withdraw for any reason set forth in this rule or for any other reason. If a party to a mediation believes that a mediator should be removed or the mediator refuses to remove himself, the party may file a motion with the court asking for the removal of the mediator. A mediator who is

disqualified or who withdraws shall not be entitled to any compensation.

(Adopted 5/30/95; amended 5/27/97 effective 78/1/97)

38.15 Results of Mediation

The results of the mediation shall not be reported to the Court, except as provided in Supreme Court Rule 17.05.

(Adopted 5/30/95; amended 5/27/97 effective 78/1/97)

38.16 Alternatives to Mediation

Nothing in this rule shall prevent the Court from ordering the use of alternative dispute resolution means other than mediation, including but not limited to arbitration, early neutral evaluation, mini-trial, and summary jury trial.

(adopted 5/27/97 effective 7/1/97)

NOTICE OF MEDIATION PROGRAM AND SERVICES
ALTERNATIVE DISPUTE RESOLUTION PROGRAM
CIRCUIT COURT OF THE CITY OF ST. LOUIS, MISSOURI
Twenty-Second Judicial Circuit

Cause No:

(To be completed by Clerk)

Pursuant to Missouri Supreme Court Rule 17, the Circuit Court of the City of St. Louis, Missouri (Twenty-Second Judicial Circuit) has adopted a local rule to alternative dispute resolution. The purpose of the rule and the program of early dispute resolution it establishes is to foster timely, economical, fair and voluntary settlements of lawsuits without delaying or interfering with a party's right to resolve a lawsuit by trial.

This program applies to your case.

The program encourages the early resolution of disputes through mediation. Mediation is an informal non-binding alternative dispute resolution process in which a trained mediator facilitates discussions and negotiations among the parties to help them resolve their dispute. The mediator is impartial and has no authority to render a decision or impose a resolution on the parties. During the course of the mediation, the mediator may meet with the parties together and separately to discuss the dispute, to explore the parties' interests, and to stimulate ideas for resolution of the dispute.

An order of referral will be entered 60 days after this lawsuit was filed. The order will appoint a mediator to mediate this case. If you do not wish to have your case mediated, or if you wish to mediate your case but you have agreed with the other parties on a different mediator, or if you wish to avail yourself of a different alternative dispute resolution program, you may so notify the Court in writing within 30 days of the order of referral. A list of mediators approved by the Court and information regarding their qualifications is kept by the Presiding Judge's courtroom clerk in the Division #1 courtroom.

The full text of the Circuit Court's Alternative Dispute Resolution rule governing the conduct of the mediation is available from the Clerk of the Circuit Court. A copy of this Notice is to be provided by the Clerk of the Circuit court to each of the parties initiating the suit at the time it is filed, and a copy is to be served on each other party in the suit with the summons and petition served on that party.

November 20, 2000

SETTLEMENT AND DEFAULT

RULE 41 SETTLEMENT

41.1 Notice of Settlement

The Court and the clerk shall be notified promptly if a case is settled after it has been set for trial.

RULE 42 DEFAULT

See Rule 2.4.1.

TRIALS

RULE 51 COURT-TRIED CASES

51.1 Default and Uncontested Matters

See Rule 2.4.1.

51.2 Contested Matters

No Local Rule.

51.3 Preparation of Findings of Fact and Conclusions of Law

In all court-tried cases in which findings of fact and conclusions of law are required or properly requested, the parties, through their attorneys, shall submit written proposed findings of fact and conclusions of law at the conclusion of the trial or within a reasonable time as directed by the court.

51.4 Briefs

Briefs must be delivered to the clerk of the division within the time ordered by the Judge unless the time for delivery is extended by the Judge. Any extensions granted in the deliveries of briefs must be recorded by the clerk. No cause will be considered until the record shows the delivery of final briefs, or until time to submit the same has expired, unless the Judge shall otherwise direct.

RULE 52 SELECTION OF JURY

52.1 Jury Questionnaires

No Local Rules

52.2 Juror Anonymity

Unless otherwise ordered, no counsel or party may view a voir dire list except during voir dire, after the panel has been called in to the courtroom. Counsel and the parties shall return their voir dire lists to the Clerk at the conclusion of voir dire. The Clerk shall seal the voir dire list in an envelope at the conclusion of the trial and affix a memorandum that the envelope shall be opened only upon written Court Order which shall include the identity of the requesting person.

[amended 5/28/02; 5/27/03]

RULE 53 JURY TRIALS

53.1 Instructions

Proposed jury instructions shall be furnished by counsel for all parties at the conclusion of voir dire, unless otherwise directed by the Court. Each proposed instruction shall contain reference to the appropriate Missouri-approved instruction or other authority relied upon.

[adopted 5/28/02]

53.2 Closing Arguments

In civil causes tried before a jury the plaintiff shall have the privilege of opening and closing the argument. The Plaintiff's opening argument shall be made after all the evidence is in and after the instructions have been read to the jury. Should the plaintiff decline to make the opening argument, he will be considered as thereby having waived his privilege of closing the argument, and shall not be allowed to do so, but the defendant shall nevertheless have the privilege of making his argument. Before argument of counsel begins the Judge will determine how much time will be allowed each side for argument, each side being allowed the same length of time. The plaintiff may apportion the time allowed him between his opening and closing arguments as he may choose, provided he shall not consume more than half of his time in his closing argument. In those cases in which the Judge decides that the defendant has the affirmative of the issues, he shall have the privilege of opening and closing the argument in like manner and under the same restrictions as above laid down for the plaintiff. By order of the Judge, before argument of counsel begins, the Judge may, in his discretion, change the order of argument as above prescribed in a particular cause. The Judge may, in his discretion, allow the argument in a particular cause to extend beyond the allowed time if the

circumstances in the opinion of the Judge render it proper to do so.

Argument of counsel in criminal causes shall be in the order prescribed in Missouri Rule 27.02.

53.3 Post-Trial Juror Contact

No attorney or client, their agents or representatives, shall contact any member of a jury which has heard evidence in any cause in this circuit; provided, however, the court in its discretion may grant permission to attorneys or clients to discuss a case with jurors immediately after the return of a verdict; provided further, the court may also allow contact with jurors if necessary for purposes of a timely after-trial motion filed under Missouri Supreme Court Rules. (Adopted 5/30/95; amended 11/20/95)

RULE 54 JUDGMENT ENTRY

See Rule 68.13 for Entry of Judgment Upon Affidavit in Family Court matters and Rule 68.16 for Offers of Judgment in Family Court matters.

(Adopted 5/31/94).

54.1 Contested Cases

Unless otherwise ordered, the attorney for the prevailing party shall prepare and submit the form of judgment entry to the court for its approval.

54.2 Default or Uncontested Cases

In default or uncontested cases counsel for the prevailing party shall on the day of rendition present to the Court for its approval the judgment or decree to be entered in the cause. The court shall then authorize the clerk to enter judgment as provided therein or as modified by the Court. If a modification is made affecting the substantial rights of the parties, the parties shall be notified forthwith.

54.3 Format

Judgments as described above shall set forth the following:

- a) a caption, including designation of the court and division thereof rendering the judgment, setting forth the correct and full name of all parties to be bound by said judgment or decree and the cause number;

- b) the title of the judgment, such as "Judgment," "Judgment and Decree," or "Decree;"
- c) the appearances and a brief recital of the proceedings;
- d) the findings of fact and conclusions of law, if appropriate;
- e) the words of adjudication, such as it is Ordered, Adjudged and Decreed or words of like import;
- f) the date of the judgment or decree;
- g) in addition to the requirements enumerated (a to f) above, all civil judgments shall include a section either denying or granting the relief sought, and specifying the relief granted with particularity and contain the designations and names of the parties in whose favor and against whom the judgment runs. Judgments for costs should be specified.
- h) In addition to the requirements enumerated (a to f) above, all judgments in criminal causes where there has been a judgment of acquittal should include a section showing that the defendant has been acquitted. In criminal causes where the defendant has been convicted, the judgment shall include a section showing a judgment of conviction and sentence, briefly stating the offense for which such conviction shall have been had.

RULE 55 INTERROGATORIES AND ANSWERS OFFERED AS EVIDENCE

1. Interrogatories and Answers set out together. Any party offering interrogatories and answers as evidence, whether on motion or trial before the court or jury, shall first provide to the Court and the opposing party, a written list which separately sets out in full each interrogatory together with response thereto.

2. Exception. The Court for good cause shown may admit into evidence interrogatories and answers which do not comply with subsection 1.

RULES RELATING TO PARTICULAR ACTIONS

RULE 61 ADOPTION (Rule 61 amended September 28, 1992)

61.1 Filing Requirements

- 1) Filing requirements at the time of filing the petition, counsel for petitioners shall file:

- a) Filing fee;
 - b) Affidavit of Account, pursuant to § 453.075 RSMo;
 - c) Certificate of Decree of Adoption;
 - d) Putative Father Registry Check, pursuant to § 192.016 RSMo (if child born out of wedlock or legal father is not birth father).
- 2) Filing requirements subsequent to filing of petition:
- a) Where applicable, counsel for petitioners shall file for each parent:
 - 1) Consent to Adoption;
 - 2) Service of Summons;
 - 3) Service of Publication;
 - 4) Termination Order (certified copy if order is from another jurisdiction)
 - 5) Certified Copy of Death Certificate.
 - b) Motion for Default - where applicable;
 - c) Consent of Child - if child over fourteen years of age;
 - d) Consent from Agency - where applicable;
 - e) A written investigation of the suitability of the child for adoption and the suitability of petitioners as parents for said child in accordance with 453.070 RSMo., to be received at Court at least ten (10) days prior to the docket date, or a Court Order waiving such investigation;
 - f) A full and complete certified birth certificate of person to be adopted;
 - g) Supplemental Affidavit of Account - filed immediately prior to hearing which reflects all expenses paid by petitioners subsequent to filing original Affidavit of Account; and
 - h) Proposed Decree of Adoption.
 - i) A check made payable to the Missouri Department of Health to process and change the birth certificate

(if child born in Missouri or foreign country).

(amended 11/21/05)

61.2 Home Study

- 1) Unless waived pursuant to Section 453.070, RSMo, upon the filing of a Petition for Adoption, the Division of Family Services or other agency designated by the Court, shall initiate an investigation of the suitability of the child for adoption and the suitability of petitioners as parents for said child. The clerk shall notify the appropriate agency to conduct such investigation and file a written report thereof.
- 2) Where the home study has been waived, counsel for petitioners shall file:
 - a) Verification of all marriages and divorces of each petitioner or death certificate of any previous spouse;
 - b) Letter from petitioner(s) physician stating that they are in good health and free of any communicable diseases. Also, if there are any other children in the home, a physician's letter regarding the health of each child;
 - c) If the petitioner(s) regularly attend a place of worship, letter from the spiritual leader stating the length of membership. If petitioners do not regularly attend a place of worship, a letter of reference for each petitioner;
 - d) If employed, a letter from the employer of each petitioner stating salary, length of employment and work characteristics; and;
 - e) Completed financial form.

61.3

Further Court policies shall be promulgated by the Presiding Judge of the Juvenile Division and shall be made available through the Clerk's Office, Juvenile Division. Petitioner(s) and counsel for petitioner(s) shall comply with said Court policies.

Forms used in adoption proceedings are available through the Clerk's Office, Juvenile Division.

RULE 62 DRIVERS' CASES

62.1 Application for Hardship Driving Privileges

No Local Rule.

62.2 Petitions for Review

No Local Rule.

62.3 Breathalyzer Test

No Local Rule.

RULE 63 ASSOCIATE DIVISION

No Local Rule.

**RULE 64 CASES ARISING UNDER CHAPTERS 207 AND 208, RSMO, 1978
(COMMONLY KNOWN AS TITLE IV-D AND H.B. 601 ACTIONS)**

See Rule 6.1.1.2.

RULE 65 CIVIL COMMITMENT

No Local Rule.

RULE 66 Condemnation

(amended 9/27/04)

66.1 Assignment

Five percent of all petitions for condemnation shall be assigned at random to the judges in the individual docket divisions, and the remainder shall be assigned to Division One. The Presiding Judge shall assign the cases assigned to Division One in rotation to the judges serving in the civil master docket divisions for setting the time for hearing and further proceedings.

66.2 Exceptions

66.2.1 Division One

If exceptions are filed in a case pending in a civil master docket division, the clerk shall establish a sub-file for the particular parcel to which the exception relates; the exceptions shall be filed in the principal file and in the

sub-file; the sub-file shall be numbered with the original file number and a suffix identifying the parcel; and each sub-file shall be assigned to Division One. Each sub-file shall be placed on the civil master docket and assigned to a judge in a civil master docket division in the same manner as other cases on the civil master docket.

66.2.2 Individual Docket Divisions

If exceptions are filed in a case pending in an individual docket division, the clerk shall establish a sub-file for the particular parcel to which the exception relates; the exceptions shall be filed in the principal file and in the sub-file; the sub-file shall be numbered with the original file number and a suffix identifying the parcel; and each such sub-file shall remain assigned to the judge who entered the order of condemnation.

66.2.3 Deposits and Costs

Each sub-file shall be deemed a separate civil proceeding for the purpose of deposits, fees and a costs and the deposit, fee and costs shall be as provided by the schedule set forth in Rule 5.

66.2.4 Sub-file Contents

Each sub-file shall contain a copy of that portion of the Commissioner's report that pertains to the parcel and shall also contain all the exceptions that may have been filed concerning that parcel. The preparation and assignment of sub-files to Division One, if assigned to Division One, shall be indicated by a memorandum for clerk and docket entry in the principal file. Duplicate memoranda for the clerk shall be prepared and filed in the principal file for the following matters: (a) assignment or re-assignment of the sub-file, if assigned or reassigned; (b) any order for distribution of funds deposited in the registry of the Court; and (c) final adjudication of the matters in the sub-file.

RULE 67 CRIMINAL CASES

67.1 Pre-Trial Release

67.1.1 Motions to Set Bond for Bond Reduction

Any person who is unable to meet the conditions for release which have been imposed by the Pre-Trial Release Commissioner or his assistants shall, upon written application to the Commissioner be entitled to a hearing before a judge of the Court in which the

cause is then pending to determine the reasonableness of the condition or conditions. The hearing shall be conducted within twenty-four hours after the application is filed, or if a hearing which cannot be conducted within such time the hearing shall be conducted at the next regular session of the Court.

67.1.2 Deposit of Operator's License

No Local Rule.

67.1.3 Pretrial Release Commissioner

The Pretrial Release Commissioner and the Commissioner's assistants are authorized to set conditions for the release of persons under arrest where an arrest warrant has not been issued in such instances as the Court en banc or the criminal assignment judge may direct. The conditions of release shall be determined by the considerations set forth in Supreme Court Rule 33. The Pretrial Release Commissioner and his assistants before they enter upon the duties of their office shall enter into a bond with good and sufficient sureties, in a sum not less than Five Thousand Dollars (\$5,000), the amount to be fixed by the Court en banc, and the bond to be approved by the Presiding Judge. The bond shall be conditioned that he will faithfully perform the duties of his office and pay over all monies that may come into his hands by virtue of his office to the circuit clerk.

(adopted 11/20/00)

67.2 Preliminary Hearing

No Local Rule.

67.3 Grand Jury

No Local Rule.

67.4 Attorneys

No Local Rule.

67.5 Arraignments

Arraignments in felony cases shall be conducted in Division 25, except that arraignments in cases pending in Drug Court may be conducted in Drug Court; except as otherwise provided.

(Adopted 5/26/98; amended 9/27/04)

67.6 Discovery

No Local Rule.

67.7 Motions

Pre-trial motions in felony cases assigned to Division 16 shall be heard and determined in Division 16; except that motions to suppress and motions on identification shall be heard and determined in the trial divisions to which such cases are assigned. All motions in cases pending in individual docket divisions shall be heard by the judge to whom the case has been assigned.

(Amended 5/26/98; 12/21/98; 9/27/04; 3/21/05)

67.8 Plea Bargaining

No Local Rule.

67.9 Guilty Plea

67.9.1 Where Entered

No Local Rule.

67.9.2 Petition to Enter a Plea of Guilty

No Local Rule.

67.10 Calendar (amended 9/27/04)

67.10.1 Except as otherwise provided herein with regard to individual docket divisions, there shall be as many circuit and associate circuit judges annually assigned to hear criminal matters as the Presiding Judge shall determine. The judge assigned to Division 16 shall be the Criminal Assignment Judge and shall have superintending authority over the felony master trial docket and over all judges assigned to hear criminal matters other than judges in the individual docket divisions, subject only to the authority of the Presiding Judge. Such authority may include the temporary suspension or revision of the following local criminal rules as the interests of the administration of justice may dictate.

67.10.2 Unless otherwise ordered by the Presiding Judge, the following shall be annually assigned to hear criminal matters:

Division 24 - Misdemeanor Jury Trial

Division 25 - Arraignments/Preliminary Hearings

Division 26 - Misdemeanor/Traffic

At each arraignment for all cases wherein the defendant is charged in the highest count with a violation of Chapter 195 or Chapter 571 RSMo, a date will be set for the appearance of all parties in one of the felony master trial docket divisions on an ascending numerical rotation; provided, that five percent of all such cases, selected at random, shall be assigned to each of the judges in an individual docket division. For master docket divisions this appearance date will be four to five weeks following arraignment on a Thursday at 1:30 p.m. For individual docket divisions the appearance date shall be on a Thursday afternoon as designated by the trial judge. If a judge is disqualified or recuses himself/herself, the Assignment Judge will immediately reset the appearance date before another judge on the same date as originally set as provided herein.

On a weekly basis the Circuit Clerk shall provide the Criminal Assignment Judge with the cause number, division number and appearance date for each such case that has been assigned to a felony master trial docket division. Before or not later than the appearance date the parties will attempt to negotiate a disposition of the case. If the case is to be disposed of by a plea of guilty, a date will be set for said plea within four weeks thereafter. A copy of the judgment and sentence form or the order setting the case for sentencing will be sent to Division 16 by the Division Clerk. Dispositive motions may be heard within said four-week period at the discretion of the trial judge. All cases not resolved within said four-week period in a master docket trial division shall be transferred to Division 16 for trial assignment as herein provided, unless otherwise ordered by the Assignment Judge.

67.10.3 Those cases assigned to the Division 16 felony master trial docket shall appear on trial dockets from time to time. Cases so appearing as the result of transfer from a trial division shall be presumed ready for trial sixty (60) days after arraignment; cases so appearing wherein the highest degree of offense charged is a Class B felony shall be presumed ready for trial within ninety (90) of arraignment; cases so appearing wherein the highest degree of offense charged is a Class A or unclassified felony shall be presumed ready for trial one hundred twenty (120) days after arraignment. Any request to continue a trial setting beyond said presumed ready dates shall be made with notice not later than three (3)

days prior to the date the case appears on the docket in Division 16. Said cases shall remain ready for trial unless a request for continuance is granted by the Assignment Judge.

In addition to cases charging offenses under Ch. 195 or Ch. 571, RSMo, assigned pursuant to Rule 67.10.2, five percent of all other felony cases arraigned in Division 25 shall be assigned at random to each individual docket division at the time of arraignment. Such cases assigned to individual docket divisions shall be docketed for a first setting or conference on a Thursday afternoon in accordance with the schedule as designated by the trial judge; the first setting shall be fixed not later than 45 days following arraignment. All cases wherein the highest degree of offense charged is a Class B felony shall be presumed ready for trial within ninety (90) of arraignment and all cases wherein the highest degree of offense charged is a Class A or unclassified felony shall be presumed ready for trial one hundred twenty (120) days after arraignment.

67.10.4 It is the responsibility of the Criminal Assignment Judge to assign those cases on the master felony trial docket to the felony master trial docket division as in such judge's judgment best addresses the administration of justice. While cases will generally be assigned based on their relative ages, the Criminal Assignment Judge shall have the authority to assign for trial any of the cases presumed ready for trial, unless a request for continuance is granted. Such assignments may be made individually of those cases presumed ready for trial from any docket to such divisions in random order as such are available for trial; as part of a cluster of cases deemed ready for trial assigned to such a division for that docket week; pre-assigned to such a division for trial in the future on a date certain; or pre-assigned to such a division after consultation with the parties.

When any case is set for trial by a felony master trial docket division judge, such judge shall send a copy of the order setting the case to the Assignment Judge.

Requests for pre-assignment of cases on the felony master docket shall be made on the Motion Docket in Division 16.

A proposed discovery scheduling order shall be submitted with the request.

67.10.5 Any case on the Division 16 felony master trial docket may be advanced for disposition by plea at the written request of the defendant prior to 3:00 p.m. on any weekday. The request will be date/time stamped by the Docket Controller who will maintain a log of cause numbers

and divisions of cases so advanced. The requested assignment will be made to the felony master trial docket divisions in ascending numerical order. Notice of the assignment will be available to counsel after 4:00 p.m. on the date of the request. In the event the trial judge is disqualified or recuses himself/herself, that judge shall immediately notify the Docket Controller and the case will be reassigned as provided above. In the event a case so advanced is not disposed of by plea, the case shall be returned to Division 16 and assigned for trial as originally calendared.

67.11 Probation and Parole

67.11.1 Parole Report

Every person who has been committed by a Judge of the Circuit Court to the City Jail or Medium Security Institution, either under sentence to said institution or in lieu of payment of a fine imposed, and who has served part of such sentence in an orderly and peaceable manner, may be considered for parole.

The Missouri Board of Probation and Parole may initiate a review of every prisoner's criminal record and social history to determine his eligibility for parole. The prisoners found eligible for parole shall be thoroughly investigated and a parole report shall be submitted to the sentencing Judge for consideration. After receiving the report the Judge may parole the applicant and suspend the execution of the remainder of the sentence or deny the parole.

67.11.2 Violation of Conditions of Probation: Preliminary Hearing, Bond

When any probationer is taken into custody by an officer of the Missouri Board of Probation and Parole, said probationer shall be afforded a preliminary hearing before an impartial member of the staff of the Missouri Board of Probation and Parole as soon as possible after said arrest, in accordance with the rules of the Missouri Board of Probation and Parole. The probationer shall be notified by the Missouri Board of Probation and Parole of his right to bail and unless waived by him, a Pre-Trial Release Commissioner of this Court shall recommend the type of bond or recognizance.

67.12 Post Conviction Remedy Motions

Motions filed under Missouri Supreme Court Rules 24.035 and 29.15 shall be filed with the Clerk of the Circuit

Court in the Municipal Courts Building. The Clerk shall establish a new category of causes to bear the designation of P.C.R. (Post Conviction Remedy) and shall assign numbers consecutively to all motions filed under said Rule, commencing with P.C.R. 1. Any Motion filed, as aforesaid, shall be assigned to the same Judge who presided at the time of conviction, if he is still a Judge of the Circuit Court. If he is no longer a Judge of the Circuit Court, the Motion shall be assigned to his successor.

The Court Administrator or designee shall keep two lists: (1) all Judges who have been disqualified or recused from a Postconviction Relief Motion, placed in chronological order based on the date of disqualification or recusal, and (2) all Circuit Judges, except those assigned to Divisions 1 and 30, which list shall initially be placed in reverse alphabetical order. If a Judge is disqualified or recused from more than one cause that Judge's name shall be placed on list (1) once for each cause from which the Judge has been disqualified or recused. If a Judge is disqualified or no successor has been appointed, the Motion shall be assigned to the first Judge on list (1), the list of disqualified or recused Judges, and such Judge's name shall then be removed from the list. If there are no Judges on the list of disqualified or recused judges, list (1), such Motion shall be assigned to the first Judge on list (2), the list of all Circuit Judges, except those assigned to Divisions 1 and 30, and such Judge's name shall then be removed from the first place on the list and be placed at the end of such list. If a Judge receiving an assignment under this rule is disqualified or recused from such assignment that Judge's name shall be assigned the next available case, and such Judge's name shall remain first on the list until a case remains with that Judge for disposition.

(Amended 2/10/86; 2/3/92)

67.13 State Traffic Violations Bureau

67.13.1 Establishment

A State Traffic Violations Bureau is hereby established for certain offenses within the jurisdiction of Associate Circuit Judges.

67.13.2 Clerk

The Circuit Clerk is appointed as Violations Clerk.

67.13.3 Offenses and Penalties

The traffic cases under the authority of the Violations Clerk and the amount of fines to be imposed shall be established by order of the Court from time to time. Said order shall be posted by the Clerk and transmitted to the St. Louis Police Department.

RULE 68 DISSOLUTION OF MARRIAGE

This rule shall apply to all petitions for dissolution of marriage, legal separation or declaration of invalidity, motions to modify, motions for contempt, and petitions for declaration of paternity filed on or after July 1, 1997.

68.1 Filing Requirements

1. The Clerk of the Court shall not accept and file any petition for dissolution of marriage, legal separation, declaration of invalidity or declaration of paternity, motion to modify or motion for contempt unless the caption contains the (1) name and social security number of each party, (2) the address at which personal service may be effected upon respondent, and (3) the nature of the action.

2. The Clerk of the Court shall not accept and file any petition for dissolution of marriage, legal separation or declaration of invalidity unless such petition is accompanied by the statistical information form provided by the Court properly completed, signed and notarized.

3. Upon filing a petition for dissolution of marriage, legal separation, declaration of invalidity or declaration of paternity, motion to modify or motion for contempt, petitioner or movant, by counsel or, where appropriate, individually, shall certify whether or not, based upon reasonable investigation, child custody or visitation is expected to be a genuine and substantial issue and, if so, shall include in the caption of the pleading the following legend: "Child Custody or Visitation at Issue".

4. Upon filing an entry of appearance or an initial pleading in response to a petition for dissolution of marriage, legal separation, declaration of invalidity or declaration of paternity, or within thirty (30) days after service of a motion to modify or motion for contempt, unless petitioner or movant has certified that child custody or visitation is expected to be at issue, respondent, by counsel or, where appropriate,

individually, shall certify whether or not, based upon reasonable investigation, child custody or visitation is expected to be a genuine and substantial issue and, if so, shall include in the caption of the initial responsive pleading the following legend: "Child Custody or Visitation at Issue".

5. Within fifteen (15) days after the filing of an entry of appearance or an initial pleading in response to a petition for dissolution of marriage, legal separation, declaration of invalidity or declaration of paternity or within fifteen (15) days, after the expiration of thirty days after service of a motion to modify or motion for contempt, if child custody or visitation has been certified by any party to be a genuine and substantial issue, the Domestic Relations Unit of the Family Court shall direct to each party by ordinary mail a notice which (1) requires the party to forward to the Domestic Relations Unit within fifteen (15) days a proposed plan for parental decision making, parenting time and residential arrangements for any minor child, (2) advises the party that attorneys fees and costs may be awarded, upon the request of any party or on the Court's own motion, if the Court finds that custody or visitation is not a genuine and substantial issue, and (3) schedules an appointment for the party for mediation with a Deputy Juvenile Officer pursuant to Rule 68.6.2 hereof. Form 68.1, which is incorporated in and made a part of this Rule, shall constitute the requisite notice to each party by the Domestic Relations Unit.

6. Failure of counsel or any party not represented by counsel to comply with this Rule shall warrant imposition of sanctions upon the request of any party or on the Court's own motion. In ordering sanctions, the Court shall be guided by the provisions of Supreme Court Rule 61.01.

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

In re the Marriage of:)
)
_____,)
 Petitioner,) Cause No.
)
 and) Division No. 15
)
_____,)
 Respondent.)

NOTICE

TO:

Child custody or visitation has been certified to be a genuine and substantial issue in this proceeding. Consequently, please complete and return to the Domestic Relations Unit (Juvenile Court Building, 920 North Vandeventer, St. Louis, Missouri 63108) within fifteen (15) days the enclosed Parenting Plan.

PURSUANT TO LOCAL RULE 68.6, IF CHILD CUSTODY OR VISITATION IS DETERMINED NOT TO BE A GENUINE AND SUBSTANTIAL ISSUE, ON ITS OWN MOTION OR THE MOTION OF ANY PARTY, THE COURT MAY IMPOSE SANCTIONS.

The Domestic Relations Unit is prepared to assist in resolving issues of parental decision making, parenting time, and the residential arrangements for your minor child(ren). Accordingly, an appointment for mediation with the Domestic Relations Unit, which is cost free, is scheduled for you and your (former) spouse on _____, 199__ at _____ a.m./p.m. Please call (314) 552-_____ to confirm your attendance.

DOMESTIC RELATIONS UNIT
BY:

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

In re the Matter of:)
)
_____,)
 Petitioner,) Cause No.
)
 and) Division No. 15
)
_____,)
 Respondent.)

NOTICE

TO:

Child custody or visitation has been certified to be a genuine and substantial issue in this proceeding. Consequently, please complete and return to the Domestic Relations Unit (Juvenile Court Building, 920 North Vandeventer, St. Louis, Missouri 63108) within fifteen (15) days the enclosed Parenting Plan.

PURSUANT TO LOCAL RULE 68.6, IF CHILD CUSTODY OR VISITATION IS DETERMINED NOT TO BE A GENUINE AND SUBSTANTIAL ISSUE, ON ITS OWN MOTION OR THE MOTION OF ANY PARTY, THE COURT MAY IMPOSE SANCTIONS.

The Domestic Relations Unit is prepared to assist in resolving issues of parental decision making, parenting time, and the residential arrangements for your minor child(ren). Accordingly, an appointment for mediation with the Domestic Relations Unit, which is cost free, is scheduled for you and your (former) partner on _____, 199__ at _____ a.m./p.m. Please call (314) 552-_____ to confirm your attendance.

DOMESTIC RELATIONS UNIT
BY:

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

```

In re the (Marriage)(Matter) of: )
                                   )
_____, )
SSN: ) Cause No.
      Petitioner, )
                                   )
and ) Proposed by:
      ) [ ] Mother
      ) [ ] Father
_____, ) [ ] Domestic Relations Unit
SSN: )
      Respondent. )

```

PROPOSED PARENTING PLAN

A. Children Subject to Plan (Name and age of each child for whom this plan is proposed):

1. _____, age _____ 2. _____, age _____
3. _____, age _____ 4. _____, age _____
5. _____, age _____ 6. _____, age _____

B. Standard Orders For Parenting:

1. Each parent shall always keep the other parent informed of his or her actual residence address, mailing address if different, and home and work telephone numbers.

2. Each parent shall provide the other parent with a basic itinerary, destinations, and telephone numbers for emergency purposes when travelling out-of-town with the children.

3. Each parent shall confer and discuss with the other parent decisions affecting the health, education and welfare of the children, as well as decisions involving the activities of the children.

4. Each parent may make decisions regarding the day-to-day care and control of the children and in emergencies affecting the health and safety of the children while the children are residing with him or her.

5. Neither parent shall say or do anything in the presence or hearing of the children that would in any way diminish the children's love or affection for the other parent and shall not allow others to do so.

6. Each parent shall have reasonable access to the children by telephone during any period in which the children are in the physical custody of the other parent.

7. All court related and financial communications between the parents shall occur at a time when the children are not present and, therefore, shall not occur at times of exchanges of the children or during telephone visits with the children.

8. Each parent shall inform the other parent as soon as possible of all school, sporting and other special activity notices and cooperate in the children's consistent attendance at such events.

9. Each parent shall have access to medical and school records pertaining to the children and be permitted to consult independently with any and all professionals involved with the children.

10. At least 24 hours notice of any schedule change shall be given to the other parent, and the parent requesting a change shall be responsible for any additional child care that results from the change.

11. Each parent and, where appropriate, the children shall participate in any individual or family counseling recommended by the Domestic Relations Unit.

12. Either parent may at any time request Domestic Relations Services for mediation on any parenting issue.

C. Legal Responsibilities (Check the applicable boxes):

1. ☐ Mother ☐ Father shall have sole legal responsibility for the children.
2. ☐ The parents shall share joint legal responsibility for the children, which requires that they consult and cooperate with each other in making decisions and sharing information related to the health, education and welfare of the children.

☐ Mother shall be responsible for decision making in the following specific areas (list areas):

☐ Father shall be responsible for decision making in the following specific areas (list areas):

D. Residential Schedule (Where the children will reside and what contact the children will have with each parent):

1. Pre-school Schedule (Check applicable boxes):

☐ There are no children of pre-school age.

☐ The primary residence of the children of pre-school age shall be with ☐ Mother ☐ Father.

☐ Every week ☐ every other week the children will be with the other parent from _____ to _____.
(Day/Time) (Day/Time)

2. School Schedule (Check applicable boxes):

[] There are no children of school age.

[] The primary residence of the children of school age shall be with [] Mother [] Father.

[] Every week [] every other week the children will be with the other parent from _____ to _____.
(Day/Time) (Day/Time)

E. Vacation Schedule (Vacations take precedence over the residential schedule and holiday schedule):

1. Winter Vacation (Check the applicable box and specify when the children will be with the other parent):

The primary residence of the children, whether pre-school or school age, shall be with ☐ Mother ☐ Father during Winter vacation except for the following days and times when the children will be with the other parent:

2. Spring Vacation (Check the applicable box and specify when the children will be with the other parent):

The primary residence of the children, whether pre-school or school age, shall be with ☐ Mother ☐ Father during Spring vacation except for the following days and times when the children will be with the other parent:

3. Summer Vacation (Check the applicable box and specify when the children will be with the other parent):

The primary residence of the children, whether pre-school or school age, shall be with ☐ Mother ☐ Father during the Summer months except for the following days and times when the children will be with the other parent:

F. Holiday Schedule (Friday and Monday holidays include Saturday and Sunday, and holidays take precedence over the residential schedule):

Mother
(State Alternate
or Every Year)

Father
(State Alternate
or Every Year)

New Year's Day
Martin Luther King Day
Presidents Day
Memorial Day
Independence Day
Labor Day
Veterans Day
Thanksgiving Day
Christmas Eve
Christmas Day
Mother's Day
Father's Day
Father's Birthday
Mother's Birthday

G. Special Needs (Check the applicable boxes):

☐ Mother ☐ Father shall have visitation with the children for a minimum of _____ hours each week, which shall be supervised by:

☐ Domestic Relations Services.

☐ Mutually agreed upon third party.
Who:

☐ Professional agency.
Who:

H. Exchanges (Check the applicable boxes):

1. Exchanges of the children from Father to Mother shall occur at:

☐ School

☐ Residence of Mother

☐ Residence of Father

☐ Neutral site
Where:

2. Exchanges of the children from Mother to Father shall occur at:

☐ School

☐ Residence of Mother

☐ Residence of Father

☐ Neutral site
Where:

I. Additional Items:

_____.

Signature: _____
(Mother)

Date:

Signature: _____
(Father)

Date:

68.2 Separation agreement

No local rule

68.3 Form of Decree

No local rule - See Rule 54.3

68.4 Filing of Financial Statements

1. Statement of Property

A Statement of Property shall be filed with all petitions for dissolution of marriage, legal separation or declaration of invalidity, all motions to modify, and all petitions for declaration of paternity where the father is petitioner and, therefore, shall be served upon respondent with the petition or motion.

A Statement of Property shall be filed with the initial pleading filed in response to a petition for dissolution of marriage, legal separation or declaration of invalidity and any petition for declaration of paternity where the father is petitioner and, therefore, shall be served upon each opposing party with the initial pleading.

In any action in which no responsive pleading is required, such as motions to modify, a Statement of Property shall be filed within thirty (30) days after service of the original pleading and contemporaneously served on each opposing party.

The Statement shall be on a form obtained from the Clerk, or on a substantially similar form prepared by counsel, and shall be under oath.

The Statement shall include a brief description of the assets, including the legal description of any real estate, the estimated fair market value of each asset, the outstanding balance of any encumbrances, the name of the party with possession or control of each asset, and the characterization of each asset as marital or nonmarital.

The Court may, on its own motion or on the motion of any party, require a party to file or amend a Statement of Property in connection with any scheduled status conference or evidentiary hearing.

2. Statement of Income and Expense

A Statement of Income and Expense shall be filed with all petitions for dissolution of marriage, legal separation or declaration of invalidity, all motions to modify, and all petitions for declaration of paternity where the father is petitioner and, therefore, shall be served upon respondent with the petition or motion.

A Statement of Income and Expense shall be filed with the initial pleading filed in response to a petition for dissolution of marriage, legal separation or declaration of invalidity and any petition for declaration of paternity where the father is petitioner and, therefore, shall be served upon each opposing party with the initial pleading.

In any action in which no responsive pleading is required, such as motions to modify, a Statement of Income and Expense shall be filed within thirty (30) days after service of the original pleading and contemporaneously served on each opposing party.

The Statement shall be on a form obtained from the Clerk, or on a substantially similar form prepared by counsel, and shall be under oath.

The Statement shall list the income of the party from all sources and his or her separate expenses, together with the expenses of any dependent children in his or her physical custody. The Court may, on its own motion or on the motion of any party, require a party to file or amend a Statement of Income and Expense in connection with any scheduled status conference or evidentiary hearing.

3. Sanctions For Failure to Send or Deliver

Failure of counsel or any party not represented by counsel to file with the Court and, where necessary, deliver to each opposing party the Statement of Property and Statement of Income and Expense, including any amendments thereto, within the time prescribed under this Rule, or as allowed by the Court, shall warrant imposition of sanctions upon the request of any party or on the Court's own motion.

In ordering sanctions, the Court shall be guided by the provisions of Supreme Court Rule 61.01.

68.5 Modification

No local rule

68.6 Investigations - Mediation

1. In each action assigned to the Family Court in which custody or visitation has been certified pursuant to Rule 68.1.2 or Rule 68.1.3 hereof to be a genuine and substantial issue, including motions to modify and motions for contempt, the Court may, on its own motion or upon the request by any party, order an investigation and, where appropriate, report regarding the provisions to be made for protection of the best interests of each minor child.

2. In each action in which child custody or visitation has been certified pursuant to Rule 68.1.2 or 68.1.3 hereof to be a genuine and substantial issue, the parties and, where appropriate, each minor child shall present themselves to a Deputy Juvenile Officer assigned to the Domestic Relations Unit of the Family Court for mediation of any issues of child custody or visitation. Form 68.6, which is incorporated in and made a part of this Rule, shall be completed at the time of filing any pleading which certifies that child custody or visitation is a genuine and substantial issue and forwarded upon receipt by the Clerk of the Court to the Domestic Relations Unit to initiate the mediation process.

3. Mediation hereunder is the process by which a Deputy Juvenile Officer, as neutral mediator, assists the parties in reaching a mutually acceptable agreement on issues of child custody or visitation. Mediation hereunder shall be conducted, to the extent practicable, in accordance with the ABA Standards of Practice for Lawyer Mediators in Family Disputes but recognizing that the mediator is a Deputy Juvenile Officer and not an attorney. The mediator should aid the parties in identifying the issues, reducing misunderstandings, clarifying priorities, exploring areas of compromise and finding points of agreement.

4. The Deputy Juvenile Officer shall inform the Court at a scheduled status conference or, as appropriate, in writing that (i) mediation has been completed and the issues of child custody or visitation have been resolved, (ii) mediation has been completed without resolution of the issues of child custody or visitation, or (iii) mediation has not been completed, but continued mediation will serve the best interests of each minor child.

5. All statements by the parties or a minor child during mediation conducted pursuant to this Rule shall constitute statements made as part of settlement negotiations and, therefore, shall be inadmissible at any evidentiary hearing.

6. Failure of any party to comply with this Rule shall warrant imposition of sanctions upon the request of any party or on the Court's own motion. In ordering sanctions, the

Court shall be guided by the provisions of Supreme Court Rule 61.01.

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

In re the (Marriage)(Matter) of:)
)
 _____,)
 Petitioner,) Cause No.
)
 and) Division No. 15
)
 _____,)
 Respondent.)

COURT ORDER

[Custody][Visitation] has been certified to be a genuine and substantial issue, and therefore, pursuant to Local Rule 68.6, the parties and, where appropriate, the parties' minor child(ren) shall participate in mediation with the Domestic Relations Unit.

Mother	Social Security Number
--------	------------------------

Address	Date of Birth
---------	---------------

City and State	Phone
----------------	-------

Father	Social Security Number
--------	------------------------

Address	Date of Birth
---------	---------------

City and State	Phone
----------------	-------

cc: Supervisor - Domestic Relations Unit
Juvenile Court Building
920 North Vandeventer
St. Louis, Missouri 63108

68.7 Reports and Records

1. All files and written records or reports prepared pursuant to Rule 68.6.1 hereof shall be maintained as confidential and not disclosed to any person without an order of Court. Such files, records and reports may be destroyed from time to time by order of Court but, in all events, shall be maintained until the parties' youngest child has reached the age of 22 or is otherwise earlier emancipated.

2. Nothing in Rule 68.6 hereof shall prevent the Court from ordering such other investigations and supervision of child custody or visitation issues as may be authorized by law.

68.8 Service - Default Hearings - Status Conference

1. If a respondent has not filed an entry of appearance or initial pleading and no executed return of service has been filed prior to expiration of the outstanding summons, the Court shall inform petitioner or movant, by counsel or, where appropriate, individually, that an alias summons or, where appropriate, pluries summons must be requested within fourteen (14) days, unless extended by the Court. Forms 68.8.1A, 68.8.1B and 68.8.1C, which are incorporated in and made a part of this Rule, shall be used to notify petitioner or movant.

Upon the failure of petitioner or movant to request an alias summons or, as appropriate, pluries summons within the time prescribed under this Rule, or as allowed by the Court, the petition for dissolution of marriage, legal separation, declaration of invalidity or declaration of paternity or the motion to modify shall be dismissed without prejudice for failure to prosecute.

2. Within forty-five (45) days after the filing of an executed return of service, where no entry of appearance or responsive pleading has been filed, or within forty-five (45) days after a verified entry of appearance has been filed without a responsive pleading to a petition for dissolution of marriage, legal separation, declaration of invalidity or declaration of paternity, the Court shall schedule an evidentiary hearing in each action for entry of a final decree of dissolution, legal separation or declaration of invalidity or a final order of paternity.

If a party fails to appear, in person or by counsel, at a scheduled evidentiary hearing, the Court may on its own motion dismiss the petition for dissolution of marriage, legal separation, declaration of invalidity or declaration of paternity for failure to prosecute.

The evidentiary hearing need not be conducted, but the date for the evidentiary hearing need be set, by the Court within the time prescribed under this Rule.

There shall be no direct assignment to Division 14 upon the filing of a petition for dissolution of marriage, legal separation, declaration of invalidity or declaration of paternity, but an action may be transferred to Division 14 for an evidentiary hearing hereunder by the Court or upon the request of a party, by counsel or, where appropriate, individually.

3. Within thirty (30) days after the filing of the initial pleading in response to a petition for dissolution of marriage, legal separation, declaration of invalidity or declaration of paternity or within thirty (30) days after the filing of an executed return of service on a motion to modify, the Court shall schedule a status conference in each action. Forms 68.8.4A and 68.8.4B, which are incorporated in and made a part of this Rule, shall be used to schedule the status conference.

Where an action is not ready for final hearing at the time of the status conference or where the parties represent during a status conference that further negotiations may produce an agreed upon resolution, the Court shall (1) establish a discovery schedule or continue the action to allow further negotiations, and (2) schedule another status conference.

The status conference need not be conducted, but the date for the status conference need be set, by the Court within the time prescribed under this Rule.

If a party has not retained counsel and fails to appear in person at a status conference, the Court may at that time conduct an evidentiary hearing and enter judgment against said litigant.

4. It is the policy of the Court to encourage informal discovery wherever practicable and avoid Court involvement in the discovery process. Accordingly, all parties shall exchange income tax returns, with supporting schedules, and employment benefit information prior to the initial status conference.

5. The Court may exempt an action from automatic assignment for a status conference upon the filing of an application, stating the reasons therefor, within ten (10) days after the filing of the order for the status conference. The application shall be signed by counsel and personally by the party or parties requesting an exemption.

6. Failure of an attorney or a party to be prepared for, appear at, or cooperate in a status conference may subject the

attorney or party to sanctions, including an award of attorneys fees and expenses to any attorney or party prejudiced or inconvenienced by such conduct. In ordering sanctions, the Court shall be guided by the provisions of Supreme Court Rule 61.01.

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

In re the Marriage of:)
)
_____,)
 Petitioner,) Cause No.
)
) Division No. 15
)
)
)
_____,)
 Respondent.)

COURT ORDER

Review of the file in this matter reveals that Respondent has not filed an Entry of Appearance nor been personally served. Accordingly, an [alias] [pluries] summons for personal or substituted service upon Respondent shall be requested by Petitioner within fourteen (14) days of the date of this Order; otherwise, Petitioner's Petition for Dissolution of Marriage shall be dismissed without prejudice for failure to prosecute.

DATED this _____ day of _____, 199__.

Circuit Judge, Division 15

cc: Petitioner:

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

In re the Marriage of:)
)
_____,)
 Petitioner,) Cause No.
)
) Division No. 15
)
)
)
_____,)
 Respondent.)

COURT ORDER

Review of the file in this matter reveals that Respondent has not filed an Entry of Appearance nor been personally served. Accordingly, an [alias] [pluries] summons for personal or substituted service upon Respondent shall be requested by Petitioner within fourteen (14) days of the date of this Order; otherwise, Petitioner's Petition for Declaration of Paternity shall be dismissed without prejudice for failure to prosecute.

DATED this _____ day of _____, 199__.

Circuit Judge, Division 15

cc: Petitioner:

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

In re the Marriage of:)
)
_____,)
 Petitioner,) Cause No.
)
) Division No. 15
)
)
)
_____,)
 Respondent.)

COURT ORDER

Review of the file in this matter reveals that [Petitioner]
[Respondent] has not filed an Entry of Appearance nor been
personally served. Accordingly, an [alias] [pluries] summons for
personal or substituted service upon [Petitioner] [Respondent] shall
be requested by Movant within fourteen (14) days of the date of this
Order; otherwise, Movant's Motion to Modify [Decree of Dissolution]
[Order of Paternity, Custody and Support] shall be dismissed without
prejudice for failure to prosecute.

DATED this _____ day of _____, 199__.

Circuit Judge, Division 15

cc: Movant:

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

In re the Marriage of:)
)
_____,)
 Petitioner,) Cause No.
)
) Division No. 15
 and)
)
_____,)
 Respondent.)

PRE-TRIAL ORDER

A status conference has been scheduled on _____,
199__ at _____ a.m./p.m. in Division No. 15. [The status
conference may not be continued without prior approval of the
Court.]

Unless specifically excused in advance by the Court, all
litigants shall appear in person and by counsel. [If a litigant has
not retained counsel and fails to appear in person at the status
conference, the Court may at that time strike his or her pleadings,
conduct an evidentiary hearing, and enter judgment against said
litigant.]

If any litigant is a parent of an unemancipated minor child who
is subject to the Court's jurisdiction, even if child custody and
visitation have not been certified to be a genuine and substantial
issue, all litigants shall complete a Court approved child custody
education program within the time periods prescribed in Local Rule
68.10 but, in all events, prior to the status conference.

At the status conference, the Court will, as appropriate,
establish deadlines for discovery and, to the extent necessary,
schedule a subsequent status conference or hearing date. [Child
custody and visitation issues may, in the Court's discretion, be
referred to the Domestic Relations Unit for mediation pursuant to
Local Rule 68.6.]

Prior to the status conference, all litigants shall exchange
the following: (1) completed Form 14 pursuant to Supreme Court Rule
88.01, (2) completed Statement of Property and Statement of Income
and Expenses, (3) income tax returns with supporting schedules for
the immediately preceding two (2) years, (4) employment benefit
information, and (5) proposed division of marital property.

Sanctions may be imposed by the Court, on its own motion or
upon motion of a party, for any failure to comply with this Order.
[Failure of an attorney or litigant to be prepared for, appear at,
or cooperate in a status conference may subject the attorney or

litigant to sanctions, including an award of attorneys fees and expenses to each attorney or litigant prejudiced or inconvenienced by such conduct.]

DATED this _____ day of _____, 199__.

Circuit Judge, Division 15

cc: Petitioner:
Respondent:
Guardian:
Intervenor:
Third Party:

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

In re the Marriage of:)
)
_____,)
 Petitioner,) Cause No.
)
) Division No. 15
)
)
)
_____,)
 Respondent.)

PRE-TRIAL ORDER

A status conference has been scheduled on _____,
199__ at _____ a.m./p.m. in Division No. 15. [The status
conference may not be continued without prior approval of the
Court.]

Unless specifically excused in advance by the Court, all
litigants shall appear in person and by counsel. [If a litigant has
not retained counsel and fails to appear in person at the status
conference, the Court may at that time strike his or her pleadings,
conduct an evidentiary hearing, and enter judgment against said
litigant.]

If any litigant is a parent of an unemancipated minor child who
is subject to the Court's jurisdiction, even if child custody and
visitation have not been certified to be a genuine and substantial
issue, all litigants shall complete a Court approved child custody
education program within the time periods prescribed in Local Rule
68.10 but, in all events, prior to the status conference.

At the status conference, the Court will, as appropriate,
establish deadlines for discovery and, to the extent necessary,
schedule a subsequent status conference or hearing date. [Child
custody and visitation issues may, in the Court's discretion, be
referred to the Domestic Relations Unit for mediation pursuant to
Local Rule 68.6.]

Prior to the status conference, all litigants shall exchange
the following: (1) completed Form 14 pursuant to Supreme Court Rule
88.01, (2) completed Statement of Property and Statement of Income
and Expenses, and (3) income tax returns with supporting schedules
for the immediately preceding two (2) years.

Sanctions may be imposed by the Court, on its own motion or
upon motion of a party, for any failure to comply with this Order.
[Failure of an attorney or litigant to be prepared for, appear at,
or cooperate in a status conference may subject the attorney or
litigant to sanctions, including an award of attorneys fees and

expenses to each attorney or litigant prejudiced or inconvenienced by such conduct.]

DATED this _____ day of _____, 199__.

Circuit Judge, Division 15

cc: Petitioner:
Respondent:
Guardian:
Intervenor:
Third Party:

68.9 Interrogatories

1. Any party propounding interrogatories shall use the Pattern Interrogatories approved by the Court, but, upon request, the Court may permit other or further interrogatories.

2. Whenever the Pattern Interrogatories are not used, each interrogatory shall be in the following form: (1) the question shall first be stated, (2) followed by the verified answer of the party asking the question as if the question had been asked of him or her, and (3) followed by a space for the verified answer of the party of whom the question is asked. Each interrogatory shall be prepared in such form that it is gender neutral.

3. Any party propounding interrogatories shall file with the Court, contemporaneously with service of the interrogatories on any other party and in lieu of filing the interrogatories themselves, a Certificate of Service which shall include (1) the identity of the attorney or party served with the interrogatories, (2) the manner of service, (3) the date of service, and (4) the signature of the attorney or party propounding the interrogatories.

4. A party shall answer the Pattern Interrogatories and answer or object to such other or further interrogatories allowed by the Court in the space following each interrogatory and, where appropriate, may answer an interrogatory by specific reference to the appropriate section of said party's Statement of Income and Expense or Statement of Property.

5. Any party answering interrogatories shall file with the Court, contemporaneously with service of the answers on the party who propounded the interrogatories and in lieu of filing the answers themselves, a Certificate of Service which shall include (1) the identity of the attorney or party upon whom the answers are served, (2) the manner of service, (3) the date of service, and (4) the signature of the attorney or party answering the interrogatories.

6. A request for an extension of time to answer interrogatories shall be made first to the party propounding the interrogatories. A request for an extension of time to which the party propounding the interrogatories agrees shall not be filed with the Court unless an order is subsequently requested under Rule 68.22.2 hereof or Supreme Court Rule 61.01(b) for failure to answer the interrogatories.

A request for an extension of time to which the party propounding the interrogatories does not agree shall be filed with the Court, accompanied by a statement that the request was submitted to the party propounding the interrogatories and the reasons expressed for refusal of the request, on or before the required date for filing the interrogatory answers.

A request for an extension of time to which the party propounding the interrogatories does not agree may not be presented to the Court ex parte and shall be presented to the Court, with notice to the party propounding the interrogatories, within ten (10) days of the required date for answering the interrogatories; otherwise, the request shall be deemed denied.

7. Objections to interrogatories shall be filed with the Court and noticed for hearing within thirty (30) days after the filing of the Certificate of Service by the party propounding the interrogatories; otherwise, the objections shall be deemed waived. Objections to the Pattern Interrogatories may warrant imposition of sanctions upon the request of any party or on the Court's own motion.

8. Failure of counsel or any party not represented by counsel to comply with this Rule shall warrant imposition of sanctions upon the request of any party or on the Court's own motion. In ordering sanctions, the Court shall be guided by the provisions of Supreme Court Rule 61.01.

68.10 Child Custody Education

1. In any action for dissolution of marriage, legal separation, declaration of invalidity, declaration of paternity, or modification thereof, involving minor unemancipated children, all parties and, where appropriate, the minor unemancipated children shall participate in a Court approved program designed to educate parents on the detrimental effect of parental conflict on children and how to avoid such conflict and the resulting negative effects.

2. The management of the program shall cause to be filed with the Court a Certificate of Completion for each party who completes the program.

3. Petitioner or movant shall complete the program and have a Certificate of Completion filed with the Court within forty-five (45) days after filing the petition for

dissolution of marriage, legal separation, declaration of invalidity, declaration of paternity or motion to modify.

4. Respondent shall complete the program and have a Certificate of Completion filed with the Court within forty-five (45) days after service of the petition for dissolution of marriage, legal separation, declaration of invalidity, declaration of paternity or motion to modify.

5. For good cause, the Court may waive the requirements of this Rule for any party.

6. No evidentiary hearing pursuant to Rule 68.8.2 hereof shall be held until the Certificate of Completion of each non-defaulting party has been filed with the Court.

7. Failure of any party to comply with this Rule shall warrant imposition of sanctions upon the request of any party or on the Court's own motion. In ordering sanctions, the Court shall be guided by the provisions of Supreme Court Rule 61.01.

8. The management of the program may request a reasonable voluntary contribution from each participant in the program but may not condition issuance of a Certificate of Completion thereon.

68.11 Ex Parte Requests

1. Immediately upon the filing of a petition for dissolution of marriage, legal separation or declaration of invalidity, the Court shall, upon application, enter orders which, during the pendency of the proceeding:

(1) Restrain each party from transferring, concealing, encumbering or in any way disposing of property, marital or separate, except in the usual course of business or for the necessities of life, and, additionally, require notice of any proposed extraordinary expenditures and an accounting of all extraordinary expenditures; and

(2) Restrain each party from harassing, abusing, stalking, molesting or disturbing the peace of any other party and any minor children; and

(3) Restrain each party from terminating any existing coverage for any other party or any minor children under a policy of medical and hospitalization insurance; and

(4) Award custody of any minor children, consistent with Section 452.310.3 R.S.Mo., to the party with actual physical custody of the minor child on the date of filing of the petition for dissolution of marriage, legal separation or declaration of invalidity; and

(5) Award scheduled visitation with any minor children to the party without actual physical custody unless the initial pleading of the party with actual physical custody alleges that unrestricted regular visitation will endanger the minor children's physical health or impair the minor children's emotional development;

(6) Restrain each party, consistent with Section 452.310.3 R.S.Mo., from removing any minor children from the State of Missouri without Court permission.

2. In any proceeding for dissolution of marriage, legal separation or declaration of invalidity or any proceeding for declaration of paternity where the father is petitioner, subject to the provisions of subsection 3, the Court may, if necessary, enter orders which, during the pendency of the proceeding:

(1) Provide for the use, occupancy, management and control of property, marital or separate, and, upon a showing that physical or emotional harm may result, exclude a party from the family home or from the home of any party;

(2) Provide for the legal and physical custody of any minor children;

(3) Provide for regular visitation with any minor children;

(4) Provide for the maintenance of any party and the support of any minor children;

(5) Provide for coverage of any party or any minor children under a policy of medical and hospitalization insurance;

(6) Provide for the expenses of litigation and, where appropriate, reasonable attorneys fees;

(7) Preserve the status quo of the parties and assure each party reasonable access to and use of the assets and credit of the parties.

3. Any order authorized under subsection 2 of this Rule may be entered ex parte upon any party filing a

verified pleading which sets forth each party's income, earned and unearned, the factual basis for the relief requested, and the specific amounts requested. Any pleading filed under this subsection shall be accompanied by the party's Statement of Income and Expenses, Statement of Property and, where appropriate, Form 14.

(1) No order entered under subdivision (2) of subsection 2 may change the legal or physical custody of any minor children from the party with custody of the minor children under any order entered pursuant to subdivision (4) of subsection 1 without sworn testimony or affidavit, as the Court may determine, demonstrating extraordinary circumstances.

(2) No order entered under subdivision (3) of subsection 2 may change the scheduled visitation with any minor children by the party without actual physical custody under subdivision (5) of subsection 1 without sworn testimony or affidavit, as the Court may determine, demonstrating extraordinary circumstances.

(3) Sanctions may be imposed, upon the request of any party or on the Court's own motion, if the Court finds that the party with actual physical custody of any minor children has alleged that unrestricted regular visitation by the party without actual physical custody will endanger the minor children's physical health or impair the minor children's emotional development for the purpose of unduly limiting contact between any minor children and the party without actual physical custody.

4. Any order entered under this Rule, subject to the limitations of subsection 6, shall be immediately effective and, subject to the provisions of subsection 5, shall remain in full force and effect, without necessity of further order of Court, until a final decree or order is entered or the proceeding is dismissed.

(1) Service of process of any order entered under this Rule shall be effected only by personal service pursuant to the requirements of Supreme Court Rule 54.

5. The Court shall hear any motion to vacate or modify an order entered under this Rule, except for good cause, within fifteen (15) days after the filing of the motion to vacate or modify.

(1) Any order entered in modification or vacation of an order entered under this Rule shall be

retroactive to the date of entry of the original order.

(2) The Court may, if a separate written request is filed contemporaneously with any motion to vacate or modify an order entered under this Rule, order an evidentiary hearing, which shall be conducted pursuant to Rule 68.12 hereof, to determine whether any order entered pursuant to subsections 1 and 2 shall be vacated or modified and, if so, the order which shall be entered in modification or vacation thereof.

(3) Subject to the provisions of subsection 6, any request for an evidentiary hearing will not suspend or delay commencement of the rights and obligations under any order entered pursuant to subsections 1 and 2.

6. Any order entered pursuant to subdivisions (4) and (6) of subsection 2 may be enforced by execution or garnishment as follows:

(1) No writ of execution or garnishment shall be issued unless (A) 15 or more days have elapsed since the date on which the order was served upon the party required to pay support, maintenance, attorneys fees or litigation expenses, and (B) the order contains a notice that it is enforceable by execution or garnishment and that the party served with the order has a right to request that the order be vacated or modified by motion filed within 15 days after service of the order.

(2) No bond shall be required for the issuance of a writ of execution or garnishment under this Rule, but any writ of execution or garnishment issued hereunder shall be subject to the procedures and limitations of Supreme Court Rule 90.

(3) A party requesting issuance of a writ of execution or garnishment on any order entered under this Rule shall file an affidavit with the Court Clerk that:

(A) The order contained the notice required under subdivision (1) of this subsection; and

(B) 15 or more days have elapsed since the order was served upon the party required to pay support, maintenance, attorneys fees or litigation expenses; and

(C) Either no motion to vacate or modify the order was timely filed, or a motion to vacate or modify the order was timely filed and, after hearing, the court neither vacated nor modified the order.

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

In re the Marriage of:)
)
_____,)
SSN:) Cause No.
Petitioner,)
) Division No. 15
and)
)
_____,)
SSN:)
Respondent,)

ORDER AND JUDGMENT PENDENTE LITE

(Petitioner)(Respondent) appears by (his)(her) attorney, and, upon the verified pleadings filed by (Petitioner)(Respondent) pursuant to Local Rule 68.11, IT IS ORDERED THAT:

1. Until further order of Court, pursuant to Section 452.310.3 R.S.Mo., _____ shall be, and hereby is, awarded legal custody of any minor and unemancipated children born of the parties' marriage.

2. Until further order of Court, pursuant to Section 452.310.3 R.S.Mo., _____ shall be, and hereby is, (Petitioner/Respondent) awarded primary physical custody of any minor and unemancipated children born of the parties' marriage, and (Petitioner/Respondent) shall be, and hereby is, awarded temporary physical custody of any minor and unemancipated children born of the parties' marriage pursuant to Exhibit B incorporated herein and made a part hereof.

3. The residence of any minor and unemancipated children born of the parties' marriage shall not be changed from the State of Missouri, nor shall any minor and unemancipated children born of the parties' marriage be removed from the State of Missouri for more than ninety (90) days, without the prior specific authorization of the Court or the written consent of both parties.

4. Until further order of Court, neither party shall terminate any coverage for the other party or any minor and unemancipated children born of the parties' marriage under any policy of medical and hospitalization insurance in force on the date of commencement of this proceeding.

5. During the pendency of this proceeding, neither party shall harass, abuse, threaten to abuse, stalk, molest or disturb the

peace of the other party or any minor children born of the parties' marriage, wherever they may be found.

6. During the pendency of this proceeding, neither party shall transfer, encumber, conceal or in any way dispose of any property, marital or separate, except in the ordinary course of business or for the necessities of life, and each party shall account to the other party for any extraordinary expenditures.

DATED this _____ day of _____, 199__.

Circuit Judge, Division 15

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

In re the Marriage of:)
)
_____,)
SSN:) Cause No.
 Petitioner,)
) Division No. 15
and)
)
_____,)
SSN:)
 Respondent,)

ORDER AND JUDGMENT PENDENTE LITE

(Petitioner)(Respondent) appears by (his)(her) attorney, and, upon the verified pleadings filed by (Petitioner)(Respondent) pursuant to Local Rule 68.11, IT IS ORDERED THAT:

_____ (1) Until further order of Court, _____ shall
(Petitioner/Respondent)
be, and hereby (is)(are), awarded (joint) legal custody of the parties' minor and unemancipated child(ren) pursuant to Exhibit A incorporated herein and made a part hereof.

_____ (2) Until further order of Court, _____ shall
(Petitioner/Respondent)
be, and hereby is, awarded primary physical custody of the minor child(ren), and _____ shall be,
(Petitioner/Respondent)
and hereby is, awarded reasonable temporary physical custody of the minor child(ren) pursuant to Exhibit B incorporated herein and made a part hereof.

_____ (3) Until further order of Court, _____ shall
(Petitioner/Respondent)
pay to _____ the sum of \$
per _____
(week/month) for support of the minor child(ren),
beginning _____, 199__.

_____ (4) Until further order of Court, the minor child(ren)
(and _____) shall be covered under a policy
(Petitioner/Respondent)
of medical and hospitalization insurance maintained by
_____ (to the extent available through
(Petitioner/Respondent)

employment).

____ (5) Until further order of Court, _____ shall
(Petitioner/Respondent)

pay to _____ the sum of \$
per
(Petitioner/Respondent)

_____ for spousal support and maintenance,
beginning
(week/month)

_____, 19____.

____ (6) (Child support)(and)(maintenance) payments shall be made until further order of Court by cashier's check, money order, or cash payable to the Circuit Clerk, as Trustee. All parties shall notify the Circuit Clerk immediately in writing of any change of address.

____ (7) _____ wages and other income shall be
(Petitioner's/Respondent's)

subject to immediate withholding until further order of Court in an amount equal to one month's (child support)(and) maintenance) obligation.

____ (8) _____ shall pay to _____
(Petitioner/Respondent) (Petitioner/Respondent)

the sum of \$_____ as and for attorneys fees on account and the sum of \$_____ as and for suit money.

____ (9) Until further order of Court, all interest earned and dividends paid on any investments in the parties' joint names shall be accumulated in the said investments.

____ (10) Until further order of Court, neither party shall charge any purchases or cash withdrawals to the credit accounts in their joint names, and therefore, each party shall undertake immediately to close said accounts and shall be solely and completely responsible for any amounts charged by him or her to said accounts after the date of this Order.

____ (11) Until further order of Court, _____
(Petitioner/Respondent)

shall have exclusive occupancy of the real estate and residence at _____,
____, _____.

____ (12) Until further order of Court, each party may be present at, but not enter into, the other party's residence only to exchange the minor child(ren) upon commencement and conclusion of periods of temporary physical custody.

____ (13) Upon default by _____ in payment of any
(Petitioner/Respondent)

sums payable by (him)(her) hereunder, execution and garnishment may immediately issue upon the application of _____; provided, however, execution and
(Petitioner/Respondent)

garnishment shall be stayed if _____
(Petitioner/Respondent)

requests that this order be vacated or modified by motion filed within 15 days after service of this order upon (him)(her).

_____ (14) Other orders: _____.

DATED this _____ day of _____, 199____.

Circuit Judge, Division 15

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

In re the (Marriage))
(Matter) of:)
)
_____,)
 Petitioner,) Cause No.
)
) Division No. 15
)
)
)
)
_____,)
 Respondent.)

EXHIBIT A

1. Recognizing the needs of the minor child(ren) for a continuing relationship with each parent, each parent shall refrain from demeaning or disparaging the other parent to or in front of the minor child(ren) and shall exercise their best efforts to foster the respect, love and affection of the minor child(ren) toward each other, and therefore, to all reasonable extents possible, each parent shall accommodate the social and academic commitments of the minor child(ren).

2. Each parent shall confer with the other parent and discuss decisions affecting the health, education and welfare of the minor child(ren), including the choice of schools, college, special tutoring, psychological or psychiatric treatment or counseling, and the choice of counselors, doctors, surgeons, and dentists.

3. Each parent shall inform the other parent of his or her residence address and telephone number, the address and telephone number of his or her place of employment, and, in the event of extended out-of-town travel with the minor child(ren), the address and telephone number of their destination.

4. Each parent shall notify the other parent of any activities of the minor child(ren), such as conferences and programs, where parents are invited to attend and, in this regard, shall encourage the other parent's attendance at each activity.

5. Each parent shall advise the other parent, as soon as possible, of any serious illness of, or injury to, the minor child(ren) and, in this regard, shall instruct all physicians treating the minor child(ren) to release all information regarding the illness or injury of the minor child to the other parent.

6. If at any time emergency medical or hospital treatment is required by any minor child, the parent with physical custody of the minor child at that time shall immediately secure any necessary medical and/or hospital treatment for the minor child but shall, as

soon as possible, advise the other parent of the nature and extent of the emergency and confer with the other parent concerning the medical and/or hospital treatment required by the minor child.

7. Each parent shall, and hereby does, authorize all individuals and institutions responsible for the health, education and welfare of the minor child(ren), including, but not limited to, all schools, hospitals, physicians and dentists to make available for inspection and copying, upon request by the other parent, all records, reports and information pertaining to the minor child and to discuss with the other parent all matters relating to the minor child(ren).

8. Each parent shall have reasonable access to the minor child(ren) by telephone during any period in which the minor child(ren) are in the physical custody of the other parent. [Reasonable access, as used herein, shall be contact on Tuesday, Thursday and Sunday for no more than 15 minutes between 8:00 p.m. and 9:00 p.m.]

9. Each parent shall, upon request by the minor child(ren), allow the minor child(ren) reasonable access to the other parent by telephone during any period in which the minor child(ren) are in his or her physical custody. [Reasonable access, as used herein, shall be contact on no more than three (3) calls per week, by collect call or calling card only, for no more than 10 minutes per call, and between 7:00 p.m. and 9:00 p.m. in the state from which the telephone contact is originating.]

10. Each parent shall participate in individual and/or family counseling, including, to the extent appropriate, the minor child(ren), recommended by the Domestic Relations Unit, which shall, to all extents possible, suggest a counselor or counseling program without cost or within the coverage of either parent's policy of medical insurance.

DATED THIS _____ day of _____, 199__.

Circuit Judge, Division 15

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

In re the (Marriage))
(Matter) of:)
)
_____,)
 Petitioner,) Cause No.
)
) Division No. 15
 and)
)
_____,)
 Respondent.)

EXHIBIT B

1. _____ (hereinafter referred to as the
Petitioner/Respondent

Non-custodial Parent) shall be, and hereby is, awarded physical custody of the minor child(ren) at reasonable times and for reasonable intervals, upon reasonable notice to

Petitioner/Respondent

(hereinafter referred to as the Custodial Parent), which, in the event the parties cannot agree shall be the following:

(a) Alternate weekends from 6:00 p.m. Friday until 8:00 p.m. Sunday, beginning _____, 199____. (If one parent's holiday weekend, as set forth below, conflicts herewith, the other parent's regular weekend shall be replaced with the following weekend and thereafter followed by the original schedule so that each parent has two consecutive weekends);

(b) One (1) weekday evening, which in the event the parties cannot agree shall be _____, from 4:00 p.m. until 8:00 p.m.;
(day)

(c) In even numbered years, from 6:00 p.m. June 15 until 6:00 p.m. June 30 inclusive and from 6:00 p.m. July 20 until 6:00 p.m. August 8 inclusive and, in odd numbered years, from 6:00 p.m. June 30 until 6:00 p.m. July 20 inclusive and from 6:00 p.m. August 8 until 6:00 p.m. August 24 inclusive. (Custodial Parent shall have exclusive physical custody of the minor child(ren), in even numbered years, from 6:00 p.m. June 30 until 6:00 p.m. July 20 inclusive and from 6:00 p.m. August 8 until 6:00 p.m. August 24 inclusive and, in odd numbered years, from 6:00 p.m. June 15 until 6:00 p.m. June 30 inclusive and from 6:00 p.m. July 20 until 6:00 p.m. August 8);

(d) Holidays and special days, as specified hereinafter, shall at all times prevail over the regular weekend, weekday and summer physical custody periods.

(1) The [Custodial Parent] [Non-custodial Parent] shall have physical custody of the minor child(ren) on her birthday, on Mother's Day from 9:00 a.m. until 8:00 p.m., on "Holiday Group A" in even numbered years, and on "Holiday Group B" in odd numbered years.

(2) The [Custodial Parent] [Non-custodial Parent] shall have physical custody of the minor child(ren) on his birthday, on Father's Day from 9:00 a.m. until 8:00 p.m., on "Holiday Group A" in odd numbered years, and on "Holiday Group B" in even numbered years.

(3) Holiday Group A

(a) President's Day weekend from 6:00 p.m. Friday until 8:00 p.m. Monday;

(b) Spring/Easter week or, as appropriate, Spring/Easter vacation from 6:00 p.m. March 21 or, as appropriate, the final school day prior to commencement of the said vacation period until 8:00 p.m. March 30 or, as appropriate, the final vacation day prior to resumption of school;

(c) Christmas week or, as appropriate, Christmas vacation from 10:00 a.m. December 25 until 6:00 p.m. December 31;

(d) The birthday of the minor child

(1st child)

from 9:00 a.m., or if a non-weekend day from 5:00 p.m., until 8:00 p.m.

(4) Holiday Group B

(a) Martin Luther King Day weekend from 6:00 p.m. Friday until 8:00 p.m. Monday;

(b) Memorial Day weekend from 6:00 p.m. Friday until 8:00 p.m. Monday;

(c) Labor Day weekend from 6:00 p.m. Friday until 8:00 p.m. Monday;

(d) Thanksgiving Day weekend from 6:00 p.m. Wednesday until 8:00 p.m. Sunday;

(e) Christmas week or, as appropriate, Christmas vacation from 6:00 p.m. December 21 or, as appropriate, the final school day prior to commencement of the said vacation period

until 10:00 a.m. December 25 and, again, from
6:00 p.m. December 31 until 8:00 p.m. January 5
or, as appropriate, the final vacation day prior
to resumption of school;

(f) The birthday of the minor child

(2nd child)

from 9:00 a.m., or if a non-weekend day from
5:00 p.m., until 8:00 p.m.

DATED this _____ day of _____, 199__.

Circuit Judge, Division 15

68.12 Pendente Lite Orders

1. Any request for an evidentiary hearing pursuant to Rule 68.11 hereof on issues of custody or visitation shall advise the Court of any other order or pending proceeding which relates to custody or visitation of a minor unemancipated child whose custody or visitation is at issue.

2. Any evidentiary hearing ordered under Rule 68.11 hereof may, in the sole discretion of the Court, be conducted by a master, who shall be an attorney licensed to practice law in this State and shall be appointed by the Court within five (5) days after the filing of the separate written request for an evidentiary hearing required under subsection 5 of Rule 68.11 hereof.

3. Any evidentiary hearing before a master shall be held, except for good cause, no later than ten (10) days after appointment of the master, shall be limited to three (3) hours, which shall be divided equally between the parties, and shall be conducted on the record only if one party arranges for the attendance of a court reporter, in which event said party shall bear the cost of attendance of the reporter and preparation of the original transcript for filing with the Court.

4. The master shall be paid a reasonable fee, as determined by the Court, for one hour of preparation before and after the hearing and for each hour of hearing, which shall be paid by the party requesting the evidentiary hearing no later than immediately prior to commencement of the hearing. The Court may later enter a judgment assessing the fee paid to the master as recoverable against any other party.

68.13 Entry of Judgment Upon Affidavit

1. A final order or decree in any action for dissolution of marriage, legal separation, declaration of invalidity, or declaration of paternity, or in any action in modification thereof, may be entered upon the affidavit of any party when:

(a) There are no minor unemancipated children of the mother and father and the mother is not pregnant, or the parties are represented by counsel and have entered into a written agreement determining child custody, visitation and support; and

(b) The respondent has been served in accordance with the Missouri Rules of Civil Procedure or has filed with

the Court a verified entry of appearance or responsive pleading; and

(c) There is no genuine issue as to any material fact; and

(d) There is no marital property to be divided, or the parties are represented by counsel and have entered into a written agreement for the division of their marital property.

2. Any party requesting a final order or decree upon affidavit shall file with the Court an affidavit containing the facts necessary to establish the jurisdiction of the Court and support the relief requested, together with a proposed final order or decree, any written agreement to be submitted to the Court for approval, a completed Form 14, and all other supporting documents.

3. The filing of an affidavit shall not shorten any statutory waiting period required for entry of a final decree of dissolution of marriage or legal separation.

4. The Court is not required to enter a final order or decree upon the affidavit of any party but may, on its own motion, require an evidentiary hearing to determine any or all issues presented by the pleadings.

68.14 Discovery Schedule - Forms.

[Attached to this rule are] Forms 68.14A and 68.14B, which are incorporated in and made a part of this Rule, may be used, where appropriate, to schedule discovery. [These forms may be modified as necessary.]

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

In re the Marriage of:)
)
_____,)
 Petitioner,) Cause No.
)
) Division No. 15
 and)
)
_____,)
 Respondent.)

SCHEDULING ORDER: DISCOVERY

Status conference called. Petitioner appears (in person)(and) (by attorney). Respondent appears (in person)(and)(by attorney). [The minor child(ren) appear(s) by (his)(their) guardian ad litem.]

On its own motion, the Court establishes the following schedule for the filing of pleadings and completion of discovery. [Except as expressly provided herein, extensions may be effected by written agreement of the parties filed with the Court.]

Filing Date

1. Amended Petition or
Motion to Modify
2. Answer or Counter-
Motion to Modify
3. Additional Parties
Joined
4. Interrogatories
(All Parties)
5. Request for Production
(All Parties)
6. Real estate appraisals
(All Parties)
7. Depositions
 - (a) Parties
 - (b) Witnesses

Except for good cause shown, each party shall be limited to the filing of Pattern Dissolution Interrogatories. Local Rule 68.9.

(c) Experts

8. Settlement Proposal
Petitioner
Respondent

Status conference to be resumed on _____, 199
at _____ a.m./p.m. All discovery shall be complete prior to the
scheduled status conference. [The status conference may not be
continued by agreement of the parties without prior approval of the
Court.]

Sanctions may be imposed by the Court, on its own motion or
upon motion of a party, for any failure to comply this Order.

Petitioner

Respondent

Attorney for Petitioner

Attorney for Respondent

Guardian ad Litem

DATED this _____ day of _____, 199__.

Circuit Judge, Division 15

Form 68.14A

The deadlines for exchange of settlement proposals are firm. Extensions
may not be effected by agreement of the parties but may be granted only
by the Court.

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

In re the Marriage of:)
)
_____,)
 Petitioner,) Cause No.
)
) Division No. 15
 and)
)
_____,)
 Respondent.)

SCHEDULING ORDER: DISCOVERY

Status conference called. Petitioner appears (in person)(and)
(by attorney). Respondent appears (in person)(and)(by attorney).
[The minor child(ren) appear(s) by (his)(their) guardian ad litem.]

On its own motion, the Court establishes the following schedule
for the filing of pleadings and completion of discovery. [Except as
expressly provided herein, extensions may be effected by written
agreement of the parties filed with the Court.]

Filing Date

1. Amended Petition or
Motion to Modify
2. Answer or Counter-
Motion to Modify
3. Additional Parties
Joined
4. Interrogatories
(All Parties)
5. Request for Production
(All Parties)
- a 6. Depositions
 - (a) Parties
 - (b) Witnesses
 - (c) Experts
7. Settlement Proposal

Except for good cause shown, each party shall be limited to the filing
of Pattern Dissolution Interrogatories. Local Rule 68.9.

Petitioner
Respondent

Status conference to be resumed on _____, 199__ at _____ a.m./p.m. All discovery shall be complete prior to the scheduled status conference. [The status conference may not be continued by agreement of the parties without prior approval of the Court.]

Sanctions may be imposed by the Court, on its own motion or upon motion of a party, for any failure to comply this Order.

Petitioner

Respondent

Attorney for Petitioner

Attorney for Respondent

Guardian ad Litem

DATED this _____ day of _____, 199__.

Circuit Judge, Division 15

Form 68.14B

The deadlines for exchange of settlement proposals are firm. Extensions may not be effected by agreement of the parties but may be granted only by the Court.

68.15 Production of Documents

1. Any party requesting the production of designated documents by any other party shall attach to the request for production (1) a copy of each document which such party would be required to produce if the request for production had been made upon him or her, and (2) a verified statement identifying each designated document not in the possession or control of such party. Each request for production shall be prepared in such form that it is gender neutral.

2. Any party requesting the production of designated documents shall file with the Court, contemporaneously with service of the request for production on any other party and in lieu of filing the request for production and the designated documents themselves, a Certificate of Service which shall include (1) the identity of the attorney or party served with the request for production, (2) the manner of service, (3) the date of service, and (4) the signature of the attorney or party requesting production of the designated documents.

3. Any party producing designated documents shall file with the Court, contemporaneously with service of the response to the request for production and the designated documents on the party who requested their production and in lieu of filing the response and the documents themselves, a Certificate of Service which shall include (1) the identify of the attorney or party to whom the documents have been produced, (2) the manner of service, (3) the date of service, and (4) the signature of the attorney or party producing the documents.

4. A request for an extension of time to respond to a request for production shall be made first to the party requesting production of designated documents. A request for an extension of time to which the party requesting production agrees shall not be filed with the Court unless an order is subsequently requested under Rule 68.22.2 hereof or Supreme Court Rule 61.01(b) for failure to produce any designated documents.

A request for an extension of time to which the party requesting production does not agree shall be filed with the Court, accompanied by a statement that the request was submitted to the party requesting production and the reasons expressed for refusal of the request, on or before the date for producing the designated documents.

A request for an extension of time to which the party requesting production does not agree may not be presented to the Court ex parte and shall be presented to the Court, with notice to the party requesting production, within ten (10) days

of the required date for producing the requested documents; otherwise, the request shall be deemed denied.

5. Objections to production of any designated document shall be filed with the Court and noticed for hearing within thirty (30) days after the filing of the Certificate of Service by the party requesting production; otherwise, the objections shall be deemed waived.

6. Failure of counsel or any party not represented by counsel to comply with this Rule shall warrant imposition of sanctions upon the request of any party or on the Court's own motion. In ordering sanctions, the Court shall be guided by the provisions of Supreme Court Rule 61.01.

68.16 Offer of Judgment

1. In any action for dissolution of marriage, legal separation, declaration of invalidity, or declaration of paternity, or in any action in modification thereof, any time prior to ten (10) days before commencement of the evidentiary hearing, any party may serve upon any other party a written offer for entry of the judgment therein.

2. The offer, which, subject to the provisions of subsection 3, shall be filed with the Court only at the conclusion of the evidentiary hearing, may include all issues before the Court or be limited to one or more of the following issues: (1) custody and visitation, (2) child support, (3) maintenance, (4) attorneys fees, (5) division of marital property, (6) determination of status of property as separate or marital, (7) that the marriage is irretrievably broken, (8) the existence of the parent-child relationship, or (9) a substantial and continuing change of circumstances.

3. To accept an offer, the offeree shall serve on the offeror, within the acceptance period specified in subsection 4, written notice of agreement to entry of the judgment specified in the offer and shall file with the Court a copy of the offer and the notice of agreement and proof of service of the notice of agreement on the offeror, in which event the Court shall enter the agreed upon judgment unless it finds that the provisions for custody, visitation or support of the minor children are not in their best interests or that the provisions for the division of property are unconscionable.

An offer is irrevocable during the acceptance period specified in subsection 4, and any offer not accepted within the acceptance period shall be deemed withdrawn and, except in a proceeding to determine costs, evidence thereof shall be inadmissible.

4. The acceptance period shall be ten (10) days from receipt of an offer unless the offer is made within ninety (90) days after service and discovery is incomplete. Upon the request of the offeree within the said ninety (90) day period, the Court may extend the period for acceptance of an offer, but, in all events, the acceptance period shall terminate upon expiration of the said ninety day period or upon expiration of any extended period, whichever is later. Any party who has made an offer shall have ten (10) days to respond to any counter-offer. Notwithstanding any other provision of this Rule, the acceptance period shall terminate upon commencement of the evidentiary hearing.

5. If the judgment entered after the evidentiary hearing is not more favorable to the offeree than the offer, upon the request of the offeror, the offeree must pay the actual costs incurred by the offeror subsequent to the date of service of the offer on the offeree in prosecution or defense of those issues specified in the offer. "Actual costs" are the costs and fees taxable in a civil action and a reasonable attorneys fee for the services incurred by counsel for the offeror as a result of the failure of the offeree to agree to entry of the judgment specified in the offer.

6. Any request by the offeror under this Rule for actual costs shall include a copy of the offer and proof of service of the offer on the offeree and shall be filed with the Court and noticed for hearing within thirty (30) days after entry of the judgment or of an order denying a timely motion for new trial or to set aside the judgment.

The hearing for actual costs need not be conducted, but the date for the hearing need be set, by the Court within the time prescribed under this Rule; otherwise, the request by the offeror for actual costs shall be deemed waived.

7. In any proceeding to determine actual costs, except for good cause, the Court shall consider only evidence presented during the evidentiary hearing. Failure to present evidence relevant to actual costs which was available shall not be good cause hereunder.

8. The making of an offer which is not accepted does not preclude the making of a subsequent offer, and if a party makes more than one offer, the most recent offer controls for the purpose of this Rule.

9. The making of an offer pursuant to this Rule shall not by itself be cause for a continuance or postponement of an evidentiary hearing.

10. If the Court rejects the acceptance of any part of an offer, this Rule shall not apply to the rejected parts of the

offer, and, in such event, within ten (10) days of the rejection by the Court, either party may withdraw the remaining parts of the offer or acceptance.

68.17 Retroactive Payment of Child Support

1. In any action to modify an obligation for support of a minor child in a decree of dissolution, decree of legal separation or order of paternity, there shall exist a presumption that any modification (increase or decrease) of the obligation for payment of support for a minor child shall be retroactive to the date of filing of movant's Statement of Income and Expenses or the date of service of movant's motion to modify, whichever shall later occur.

2. If the obligation for payment of support for a minor child is increased, any amounts paid by a party in excess of the existing support obligation under a decree of dissolution, decree of legal separation or order of paternity after the date of filing of movant's Statement of Income and Expenses or the date of service of movant's motion to modify, whichever is later, shall be credited against the amount of any retroactive award.

3. If the obligation for payment of support for a minor child is decreased, any amounts paid by a party in excess of the support obligation, as modified, under a decree of dissolution, decree of legal separation or order of paternity after the date of filing of movant's Statement of Income and Expenses or the date of service of movant's motion to modify, whichever is later, shall be credited toward any arrearage and the balance, if any, applied to future support.

68.18 Court Appointed Experts

1. On its own motion or the motion of any party, the Court may appoint an expert witness on any issue which the Court must resolve under any petition for dissolution of marriage, legal separation, declaration of invalidity or declaration of paternity, motion to modify or motion for contempt.

2. An expert witness may be any individual agreed upon by the parties or, in the absence of their agreement, selected as follows: each party shall submit a list of qualified individuals to the other party, who shall, upon receipt, reduce the list to one nominee for submission to the Court, which shall, upon receipt of each party's nominee, select one individual to be the expert witness or, if, in its sole discretion, it finds neither nominee qualified, direct the parties to repeat the selection procedure.

3. No individual shall be appointed an expert witness under this Rule unless he or she consents to act. The Court shall inform the expert witness of his or her duties in writing, a copy of which shall be filed with the Clerk, or at a status conference at which all parties are represented and have an opportunity to participate.

4. An expert witness appointed under this Rule shall advise all parties in writing of his or her findings and conclusions, which shall be admissible in evidence without foundation, may be deposed by any party, may be called to testify by the Court or any party, and may be cross-examined by the Court and all parties, including the party who calls him or her as a witness.

5. Within twenty (20) days after his or her appointment, the expert witness shall request in writing production within thirty (30) days by each party, in person or, where appropriate, by counsel, of all documents and information in the possession or control of such party necessary for the expert witness to prepare his findings and conclusions.

6. An expert witness appointed under this Rule is entitled to reasonable compensation for his or her services, which compensation shall be determined by the Court, in its sole discretion, and shall be paid by the parties in such proportions and at such times as the Court directs.

7. Nothing in this Rule shall prohibit any party from retaining an expert witness of his or her own selection, who shall confer with the expert witness selected by the Court under this Rule and prepare a written list of issues on which they agree and disagree, including the reasons for any disagreement, and, except for good cause shown, such expert witness shall be compensated by said party.

68.19 Motions to Modify - Notice

1. Notice of any hearing on a motion to modify a prior order for child custody and a copy of each order modifying a prior order for child custody shall be served by ordinary mail at the last known address on any person who has been served with a copy of the motion to modify and who has not filed a verified response consenting to modification of the prior order for child custody.

68.20 Enforcement of Visitation

1. Within five (5) days after receipt of a written complaint stating the specific facts which constitute a violation of a parent's rights to visitation or custody with a minor child under any decree of dissolution or legal separation or order of paternity, the Domestic Relations Unit shall initiate proceedings to enforce the provisions for visitation or custody under the decree of dissolution or legal separation or order of paternity.

2. The Domestic Relations Unit shall send by ordinary mail to the parent who has allegedly violated the provisions for visitation or custody in any decree of dissolution or legal separation or order of paternity a notice which informs the parent of the specific facts which constitute the alleged violations and of the availability of mediation through the Domestic Relations Unit to assist in resolving the existing difficulties with compliance with the said provisions for visitation and custody. The notice shall contain the following statement in boldface type:

**PURSUANT TO LOCAL RULE 68.20, FAILURE TO ATTEND
THE SCHEDULED APPOINTMENT, OR TO OTHERWISE
RESPOND TO THIS LETTER WITHIN 5 DAYS, TO DISCUSS
A SATISFACTORY RESOLUTION OF THE ALLEGATIONS OF
THE COMPLAINT MAY RESULT IN THE FILING OF A
MOTION FOR CONTEMPT AGAINST YOU.**

3. Within fourteen (14) days after notice to the alleged violator, the Domestic Relations Unit shall meet with the parents and, where appropriate, the minor child to attempt mediation of the existing difficulties with compliance with the said provisions for visitation or custody.

4. Upon completion of the initial mediation session, the Domestic Relations Unit may, in its sole discretion, schedule subsequent sessions with the parents and, to the extent appropriate, any minor child.

5. Upon completion of the scheduled mediation sessions, the Domestic Relations Unit shall (1) inform the Court that mediation has been successful, that the existing difficulties have been resolved, and that, therefore, no further intervention by the Court is required at this time, (2) inform the Court that mediation has been unsuccessful in resolving the existing difficulties as a result of the failure of the complaining parent to cooperate and that, therefore, intervention by the Court is unnecessary at this time, or (3) inform the Court that mediation has been unsuccessful in resolving the existing difficulties and that, therefore, the complaining parent has been advised of the right to file a motion for contempt.

6. Upon finding the parent who has allegedly violated the provisions for visitation or temporary custody in any decree of dissolution or legal separation or order of paternity in contempt, the Court may impose any sanction authorized by law.

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

In re the (Marriage))
(Matter) of:)
)
_____,)
Petitioner,) Cause No.
)
and) Division No. 15
)
_____,)
Respondent.)

COURT ORDER

Violations of the provisions of a decree of dissolution or order of paternity for visitation and temporary custody have allegedly arisen, and therefore, pursuant to Local Rule 68.20, the parties and, where appropriate, the parties' minor child(ren) shall participate in mediation with the Domestic Relations Unit.

Mother	Social Security Number
--------	------------------------

Address	Date of Birth
---------	---------------

City and State	Phone
----------------	-------

Father	Social Security Number
--------	------------------------

Address	Date of Birth
---------	---------------

City and State	Phone
----------------	-------

cc: Supervisor - Domestic Relations Unit
Juvenile Court Building
920 North Vandeventer
St. Louis, Missouri 63108

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

In re the Marriage of:)
)
_____,)
 Petitioner,) Cause No.
)
) Division No. 15
 and)
)
_____,)
 Respondent.)

TEMPORARY CUSTODY AND VISITATION COMPLAINT

1. On _____, 199____, the marriage of
Petitioner and Respondent was dissolved, and, in connection
therewith, (Petitioner)(Respondent) was awarded temporary custody
and visitation of the minor child(ren).

2. (Petitioner)(Respondent) has willfully refused to permit
(Petitioner)(Respondent) to exercise (his)(her) rights to visitation
and temporary custody with the minor child(ren) under the said
decree of dissolution as follows:

_____.

3. The above statements are true to the best of my knowledge
and belief.

(Petitioner)(Respondent)

DATED: _____, 199_____.

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

In re the Matter of:)
)
_____,)
 Petitioner,) Cause No.
)
) Division No. 15
)
)
)
_____,)
 Respondent.)

TEMPORARY CUSTODY AND VISITATION COMPLAINT

1. On _____, 199____, (Petitioner)(Respondent)
was awarded temporary custody and visitation with the minor
child(ren) who are (his)(her) biological children.

2. (Petitioner)(Respondent) has willfully refused to permit
(Petitioner)(Respondent) to exercise (his)(her) rights to visitation
and temporary custody with the minor child(ren) under the order of
paternity and custody as follows:

_____.

3. The above statements are true to the best of my knowledge
and belief.

(Petitioner)(Respondent)

DATED: _____, 199____.

Date:

Cause No.:

Dear Mr. _____:

We have been contacted by your former spouse with regard to difficulties she is experiencing in exercising her rights to visitation and temporary custody under a decree of dissolution which awarded to her temporary custody and visitation with her minor child(ren). (See Complaint attached).

PURSUANT TO LOCAL RULE 68.20, FAILURE TO ATTEND THE SCHEDULED APPOINTMENT OR OTHERWISE RESPOND TO THIS LETTER WITHIN 5 DAYS TO DISCUSS A SATISFACTORY RESOLUTION OF THE ALLEGATIONS OF THE COMPLAINT MAY RESULT IN THE FILING OF A MOTION FOR CONTEMPT AGAINST YOU.

We are prepared to assist you and your former spouse in resolving the existing difficulties. Accordingly, an appointment for mediation with the Domestic Relations Unit (Juvenile Court Building, 920 North Vandeventer, St. Louis, Missouri 63108), which is cost free, is scheduled for you and your former spouse on _____, 199____ at _____ a.m./p.m. Please call the Domestic Relations Unit (314-552-_____) to confirm your attendance.

DOMESTIC RELATIONS UNIT

By:

Date:

Cause No.:

Dear Mrs. _____:

We have been contacted by your former spouse with regard to difficulties he is experiencing in exercising his rights to visitation and temporary custody under a decree of dissolution which awarded to him temporary custody and visitation with his minor child(ren). (See Complaint attached).

PURSUANT TO LOCAL RULE 68.20, FAILURE TO ATTEND THE SCHEDULED APPOINTMENT OR OTHERWISE RESPOND TO THIS LETTER WITHIN 5 DAYS TO DISCUSS A SATISFACTORY RESOLUTION OF THE ALLEGATIONS OF THE COMPLAINT MAY RESULT IN THE FILING OF A MOTION FOR CONTEMPT AGAINST YOU.

We are prepared to assist you and your former spouse in resolving the existing difficulties. Accordingly, an appointment for mediation with the Domestic Relations Unit (Juvenile Court Building, 920 North Vandeventer, St. Louis, Missouri 63108), which is cost free, is scheduled for you and your former spouse on _____, 199____ at _____ a.m./p.m. Please call the Domestic Relations Unit (314-552-_____) to confirm your attendance.

DOMESTIC RELATIONS UNIT

By:

Date:

Cause No.:

Dear Mr. _____:

We have been contacted by the mother of your child(ren) with regard to difficulties she is experiencing in exercising her rights to visitation and temporary custody under an order of paternity and custody which awarded to her temporary custody and visitation with the minor child(ren). (See Complaint attached).

PURSUANT TO LOCAL RULE 68.20, FAILURE TO ATTEND THE SCHEDULED APPOINTMENT OR OTHERWISE RESPOND TO THIS LETTER WITHIN 5 DAYS TO DISCUSS A SATISFACTORY RESOLUTION OF THE ALLEGATIONS OF THE COMPLAINT MAY RESULT IN THE FILING OF A MOTION FOR CONTEMPT AGAINST YOU.

We are prepared to assist you and your former partner in resolving the existing difficulties. Accordingly, an appointment for mediation with the Domestic Relations Unit (Juvenile Court Building, 920 North Vandeventer, St. Louis, Missouri 63108), which is cost free, is scheduled for you and your former partner on _____, 199__ at _____ a.m./p.m. Please call the Domestic Relations Unit (314-552-_____) to confirm your attendance.

DOMESTIC RELATIONS UNIT

By:

Date:

Cause No.:

Dear Ms. _____:

We have been contacted by the father of your child(ren) with regard to difficulties he is experiencing in exercising his rights to visitation and temporary custody under an order of paternity and custody which awarded to him temporary custody and visitation with the minor child(ren). (See Complaint attached).

PURSUANT TO LOCAL RULE 68.20, FAILURE TO ATTEND THE SCHEDULED APPOINTMENT OR OTHERWISE RESPOND TO THIS LETTER WITHIN 5 DAYS TO DISCUSS A SATISFACTORY RESOLUTION OF THE ALLEGATIONS OF THE COMPLAINT MAY RESULT IN THE FILING OF A MOTION FOR CONTEMPT AGAINST YOU.

We are prepared to assist you and your former partner in resolving the existing difficulties. Accordingly, an appointment for mediation with the Domestic Relations Unit (Juvenile Court Building, 920 North Vandeventer, St. Louis, Missouri 63108), which is cost free, is scheduled for you and your former partner on _____, 199__ at _____ a.m./p.m. Please call the Domestic Relations Unit (314-552-_____) to confirm your attendance.

DOMESTIC RELATIONS UNIT

By:

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

In re the Marriage of:)
)
_____,)
 Petitioner,) Cause No.
)
) Division No. 15
 and)
)
_____,)
 Respondent.)

ORDER TO SHOW CAUSE

TO:

You are ordered to appear in Division 15 of the Circuit Court of the City of St. Louis (Civil Courts Building, 10 North Tucker Boulevard) on _____, 199__ at _____ a.m./p.m. to show cause why you should not be held in contempt for your failure to comply with the provisions for visitation and temporary custody in the decree of dissolution previously entered herein.

DATED this _____ day of _____, 199__.

Judge, Circuit Court
City of St. Louis

Rule 68.21 Extensions of Time - Pleadings

1. A request for an extension of time to file a responsive pleading shall not be granted except as expressly provided in this Rule.

2. A request for an extension of twenty (20) days within which to file a responsive pleading, if timely filed, will, upon the contemporaneous filing of an entry of appearance, be granted ex parte. Any subsequent request for an extension of time shall be made first to each opposing party, by counsel or, where appropriate, individually.

3. A subsequent request for an extension of time to which all parties agree shall not be filed with the Court, but if any opposing party does not consent, the request, accompanied by a specific statement that the request has been submitted to each opposing party and the reasons expressed for refusal of the request, shall be filed with the Court on or before the date required for filing the responsive pleading.

4. A subsequent request for an extension of time which has been timely filed may not be presented to the Court ex parte and shall be presented to the Court, with notice to each opposing party, within ten (10) days of the date for filing the responsive pleading; otherwise, the request shall be deemed denied.

68.22 Pre-Trial Motions - Compelling Discovery

1. Any pre-trial motion, other than a motion for an ex parte order, and the notice of hearing on such motion shall be served on all parties not in default not later than five (5) days before the scheduled hearing on such motion or within five (5) days after scheduling the motion for hearing, whichever is earlier, unless a different period is ordered by the Court. Any pre-trial motion which is non-testimonial, including any motion filed pursuant to subsection 5 of Rule 68.11 hereof, shall be scheduled for hearing within thirty (30) days after filing; otherwise, the motion shall be deemed withdrawn.

Any pre-trial motion scheduled for hearing for which neither party appears, by counsel or, where appropriate, individually, and of which the Court is not apprised of an agreed upon resolution or continuance shall be deemed denied.

2. Any party requesting an order compelling discovery shall file with the Court and serve pursuant to section 1 on the party failing to comply with discovery a motion to compel discovery, together with a notice of hearing and the certificate required under Rule 33.5 hereof.

At any hearing on the said motion, the party requesting an order compelling discovery shall present to the Court, in person or by counsel, an order which sets forth (1) the specific discovery sought, (2) the specific time period for compliance, and (3) the sanctions to be imposed for failure to comply within the specified time period.

If the party failing to comply with discovery appears, in person or by counsel, pursuant to the notice of hearing, the order compelling discovery shall be effective on the date of its entry, but if the party failing to comply with discovery does not appear, in person or by counsel, the order compelling discovery will be effective on the date of service of a copy of the order on the party failing to comply with discovery.

Rule 68.23 Case Management Plan

1. Division 15 of the Family Court will employ a "Day Certain Case Management System", which will insure that each action always has a "Future Action Date".

An action may be placed in the "Day Certain System" by the Court scheduling or by a party requesting, by counsel or, where appropriate, individually, a status conference. Once an action is placed in the "Day Certain System", it shall always have a "Future Action Date," which may include a discovery schedule or other activity but will always include a date for either an evidentiary hearing, another status conference, or, if the prescribed activity is not completed timely, dismissal.

2. Evidentiary hearings will be scheduled only during a status conference after all parties, by counsel or, where appropriate, individually, have confirmed their availability and, in most cases, only after discovery has been completed. An evidentiary hearing will not be continued for the failure of any party to complete discovery, and each evidentiary hearing will be finalized within an allotted time period.

On the scheduled date for the evidentiary hearing, there shall be no further settlement discussions initiated by the Court. The status conferences will be the only attempts by the Court to achieve an agreed upon resolution.

RULE 69 MUNICIPAL DIVISION

69.1 Definitions

As used in these Rules, unless the context requires otherwise, or unless the Circuit Court en banc otherwise directs:

1. "Municipal Court" means any duly appointed Municipal Judge, sitting in a court of the Municipal Division of the Circuit Court of the City of St. Louis, Missouri.

2. "Municipal Division" means the Judges of the Municipal Division of the Circuit Court of the City of St. Louis, Missouri, collectively, but shall not include those judges appointed as "provisional" Municipal Judges.

3. "Clerk" means the duly appointed Clerk of the Municipal Division of the Circuit Court of the City of St. Louis, Missouri.

4. "City Counselor" means any attorney designated by the City of St. Louis, Missouri, to represent said City in the prosecution of a defendant for a Charter or ordinance violation.

5. "Chief Parole and Probation Officer" means the duly appointed Supervisor of the Probation office for the Municipal Division of the Circuit Court of the City of St. Louis, Missouri.

6. "City Marshal" means the duly appointed Marshal for the City of St. Louis, Missouri.

7. "General Offense" means any charter or ordinance non-traffic violation of the City of St. Louis, Missouri, and shall include all Minimum Housing and Sanitation ordinance violations.

8. "Traffic Offense" means any traffic ordinance violation of the City of St. Louis, Missouri.

9. "Public Holidays" means those days as defined by the ordinance of the City of St. Louis.

10. "Oath" shall mean sworn obligation to speak the truth and shall include affirmation.

69.2 Municipal Court Hours

Not less than two of the Municipal Courts shall convene at 8:00 a.m. daily, except Saturdays, Sundays, and public holidays and shall continue until the day's business is concluded.

69.3 Daily Docket Hours

1. Daily Dockets. The dockets for the Municipal Courts shall be set by the judges of the Municipal Division.
(amended September 16, 1996)

2. Separate Dockets for Traffic and General Offenses. Traffic and general offenses shall be scheduled on separate Municipal Court dockets.

69.4 Municipal Division

1. Meetings of the Municipal Division. The Municipal Division shall hold a monthly meeting and such other judicial meetings as the business of the Municipal Court may require and there determine all matters of policy, administration and court rules. A three-day notice of such "regular" meetings shall be provided. In case of emergency meetings, reasonable notice to each Municipal Judge shall be given.

2. Quorum-Majority Vote. A majority of the members of the Municipal Division shall constitute a quorum for the transaction of business in the Municipal Court, but no recommended alteration in the Rules of the Municipal Division made to the Rules Committee (Rule 100.1.4.4) shall be made without the concurrence of a majority of the members of the Municipal Division.

3. Voting - Proxies Prohibited. Voting at meetings of the Municipal Division shall be restricted to its members who are in attendance at such meetings and cast their vote in person.

4. Clerk to Act as Secretary. The Clerk shall act as Secretary to the Municipal Division.

5. Preparation of Meeting Minutes. The Clerk shall cause a draft of the minutes of every meeting of the Municipal Division to be delivered to each Judge and the Presiding Judge of the Circuit Court within 15 days after the meeting.

69.5 Administrative Judge

1. Assignment of Administrative and Assistant Administrative Judge. The judges of the Municipal Court shall select a Municipal Judge to act as an Administrative Judge, and a Municipal Judge to act as an Assistant Administrative Judge for the Municipal Division. The Assistant Administrative Judge shall perform the duties of the Administrative Judge whenever called upon to do so by the Administrative Judge or in the absence or incapacity of the Administrative Judge. (amended September 16, 1996).

2. Duty to Administer the Municipal Courts. The Administrative Judge shall administer the business of the Municipal Courts as prescribed from time to time and supervise the Clerk of the Municipal Courts, the Marshal of the City of St. Louis, and coordinate the business of the Municipal Courts regarding probation with the Chief Probation and Parole Office.

3. Duty to Assign Cases. The Administrative Judge of the Municipal Courts, or his authorized representative shall assign the Judges and case dockets to each Municipal Court so as to arrange, classify and distribute the business of the Municipal Division and the causes instituted therein among the several judges. When a timely application for a change of judge is filed or a judge disqualifies himself or herself, it shall be the duty of the Administrative Judge, or authorized representative thereof, to reassign the case to another judge or duly appointed provisional judge within the Municipal Division. Only one such change of judge may be filed by a party in a case. When the Administrative Judge is disqualified or unable to act, the Assistant Administrative Judge shall reassign the case. If no judges of the Municipal Division shall be qualified to hear the case, the Administrative Judge shall notify the Presiding Judge who shall then designate the judge. (amended 5/30/95).

4. Agenda. The Administrative Judge shall circulate or cause to be circulated a tentative agenda for a meeting of the Municipal Division three days before the date of the meeting.

5. Duty to Act as Spokesperson. The Administrative Judge, after consultation with the Presiding Judge, shall coordinate all contacts with the media and will be the spokesperson for the Municipal Courts on all policy and administrative matters.

6. Duty to Act as Liaison with Governmental Agencies. The Administrative Judge shall handle or designate a Judge to handle the liaison and personal contacts with the

Presiding Judge of the Circuit Court of the City of St. Louis and with any and all governmental agencies.

7. Authority to Request Assistance. The Administrative Judge of the Municipal Courts is authorized at any time to call upon another Judge to assist him in the performance of any of his duties.

8. Authority to Sign Orders of Municipal Division. The Administrative Judge shall sign all orders for the Municipal Divisions on policy and administrative matters, specifying majority action of the Municipal Division, unless otherwise provided. Such orders shall take effect as though signed by each Judge separately; a copy of each such order shall be provided to each Judge of the Municipal Court.

69.6 Organization and Operation of the Municipal Division

1. Municipal Courts of the Division. The Municipal Division of the Circuit Court of the City of St. Louis shall be organized into four Courts, each of which shall be presided over by a Judge, duly appointed.

2. Jurisdiction of Cases in the Division. The Judges shall retain jurisdiction over matters pending in their Court, except upon order of the Judge transferring jurisdiction to another Court.

3. Handling of Accelerated Cases. The handling of cases accelerated on a Municipal Court's docket or added on as a result of the defendant's failure to make a timely appearance shall be handled in the following manner:

A. For the defendant who desires to plead guilty to an alleged violation prior to his regularly scheduled court date he may do so at the discretion of the Judge. In such case the Judge shall upon written order to the Clerk cause the defendant's case to be added to his current day's docket, or other time as ordered by the Judge.

B. For the defendant who fails to appear in Court and a bench warrant is issued, the Judge in his discretion may cancel the warrant and upon written order to the Clerk cause the defendant's case to be added to his current day's docket, or other time as ordered by the Judge.

C. For the City Counselor who desires to have a case accelerated or added to a current day's docket for purpose of nolle prosequi may do so only upon the written order of the Judge. In the event such request is granted, the City Counselor shall sign a memorandum with the Court indicating why the case is being placed on the current day's docket and entering such nolle prosequi.

4. Orders Regarding Administration of the Municipal Courts. The Municipal Division from time to time may promulgate and issue orders regarding policy and the efficient operation and administration of the Municipal Courts. Said orders shall be published and made available to the public.

69.7 Defendant's Rights

The Municipal Division shall cause to be published, and made available to the public, a brochure of defendant's rights.

69.8 Public Conduct

1. Public Restricted from Certain Areas of the Court. No person other than the Clerk or his designee shall be permitted in the working area of the Clerk's office.

2. Interview of Confined Prisoners. Any attorney desiring to confer with an incarcerated defendant must first obtain permission from the Jailor in the City Marshal's office.

3. Good Order - Duty of the Marshal. The hallways immediately adjacent to and adjoining the courtrooms are considered to be extensions of the courtrooms. A Deputy City Marshal will be assigned to each hallway and he shall maintain good order in said hallway.

4. Enforcement of Duty to Keep Order. It shall be the duty of the City Marshal and his assigned Deputies to take such action as may be necessary to implement and enforce the provisions of this Rule and to report to the Court any infractions or violations.

5. Effect of Disorderly Conduct - Punishable as Contempt. Any violation of this rule of proper conduct and demeanor in the courtroom may be treated, in the discretion of the Municipal Court, as contempt of Court and shall be subject to the contempt powers of the Court.

69.9 Docket Procedure: Docket Call - Arraignment - Trial

The normal procedure of each court session is as follows:

1. Attorney's Docket Call. At the beginning of each court session an attorney's docket call shall be heard.

2. Arraignment and Call Docket. After the calling of the attorney's docket, the Clerk shall in open court

call aloud each defendant's name until the entire docket for the session has been called. No case will be taken out of numerical sequence without the permission of the Judge.

3. Trial Docket. If the defendant enters a plea of "Not Guilty," an inquiry will be made of him by the Court as to his readiness for trial and if the defendant is ready for trial, a similar inquiry will be made of the City Counselor to determine the City's readiness. If both sides indicate they are ready for trial, the cause may be passed down to the end of the docket call for trial.

4. Request for Jury Trial. The Court may inform the defendant of his right to request a trial by jury. If the defendant has the right to a trial by jury and demands such trial by jury, the Judge shall forthwith certify the cause to Division 29 of the Circuit Court of the City of St. Louis, to be heard on the record in accordance with the procedures applicable before Circuit Judges with there being no right of trial de novo. The Clerk of the Municipal Division shall within three days file in the Office of the Circuit Clerk a transcript of the record duly certified by the Judge or the Clerk, together with all of the original papers filed.

69.10 Counsel

1. Entry of Appearance/Withdrawal. An attorney appearing for a defendant must file an entry of appearance in writing. Withdrawal of counsel will be permitted by the Court only upon written showing of good cause.
2. Attorney's Failure to Appear. Upon failure of appearance of counsel of record at a trial docket setting and absent compliance with Rule 69.13(2) the Court may require the defendant to proceed to trial of the cause without counsel.

69.11 Motions

All motions and other matters that require a ruling by the Court may be oral, except as otherwise provided by Rule, but notice of said motions must be given to opposing counsel. If the motion is in writing, the original of said motion must be filed with the Court and opposing counsel must be supplied a copy of same at least five (5) days in advance of any hearing on said motion.

69.12 Defendant's Failure to Appear

1. Warrants Issued and/or Bond Forfeitures. If the defendant shall fail to appear in Court as scheduled, a warrant for the Defendant's arrest and/or forfeiture on the Defendant's bond may be ordered.
2. Cancellation of Warrant Upon Posting of Bond. If a duly summoned Defendant fails to appear in Court and a warrant for his arrest is issued and the Defendant later appears, the Defendant will be advised that there is a warrant outstanding against him and he is subject to arrest unless he posts an authorized cash bond to cancel said arrest warrant. If the Defendant posts said bond, the warrant shall be canceled and the Defendant advised of the new court date. Warrants shall not be canceled without the posting of an authorized cash bond or upon written order of the Judge.
3. Setting Aside Bond Forfeiture. If the Court has ordered a bond forfeiture, notice of the forfeiture shall be sent by the Marshal to the surety. Only the Judge ordering such forfeiture may set aside the forfeiture except where the Judge shall be unavailable within a reasonable time. After thirty (30) days a judgment shall be entered on the bond and shall not be set aside thereafter.
4. Conditions for Setting Aside Bond Forfeiture. If the Court sets aside a bond forfeiture, it may require any one or more of the following:
 - A. The payment of authorized bond fees;
 - B. The posting of additional bond;
 - C. Such other conditions as the Court deems necessary to insure the timely appearance of the Defendant.
5. Defendant to Appear in Person. The Defendant shall appear in person and produce adequate identification before the bond forfeiture will be set aside, unless the surety or attorney for Defendant presents to the Court sufficient information that the Defendant's absence is justified.

69.13 Granting Continuances

1. When Case is Not Set for Trial. The Court may, for good cause shown, grant a continuance for cases not set for trial upon personal appearance or written motion of a party as provided in Rule 69.11.

2. When Case is Set for Trial. The Court may, for good cause shown, grant a continuance of a trial setting upon written motion as provided in Rule 69.11. All objections must be filed in writing within three (3) days after the filing of said Motion.

69.14 Sentencing

At the conclusion of a trial of a case, an entry of finding of "guilty" or "not guilty" shall be made by the Court.

1. If the Court's finding is "not guilty," the Court shall acquit the Defendant and enter an order showing same.
2. If the Court's finding is "guilty," the Court may make any one or more of the following dispositions:
 - a. Sentence the Defendant to a term of imprisonment;
 - b. Sentence the Defendant to pay a fine;
 - c. Suspend the imposition of sentence with or without placing the Defendant on probation;
 - d. Pronounce sentence and suspend execution placing the Defendant on probation;
 - e. Impose a period of detention as a condition of probation, except in infraction cases;
 - f. Dismiss the Defendant upon payment of Court costs, after a finding that the cause is abated or trivial in nature.

69.15 Installment Payments

Should the Court find a Defendant lacks means to satisfy a fine and Court costs assessed by the Court, it shall order him to pay in installments under terms and conditions the Court deems appropriate.

69.16 Application for Trial de Novo

1. Procedure. An application for trial de novo if taken from a court judgment, must be taken within ten (10) days from the date of the entry of judgment. Such application shall be taken by filing with the Clerk's office a notice of application, an authorized appeal bond as ordered by the Court, and such Court costs and deposit for costs as may be required by law.
2. Certification for Trial de Novo. Whenever a Municipal Judge certifies a case for assignment pursuant to the provisions of Section 479.200 RSMo, the Clerk of the Municipal Division shall within three (3) days file in the Office of the Circuit Clerk a transcript of the record duly certified by the Judge or the Clerk,

together with all of the original papers and the deposit for costs required by Rule 5.6.

69.17 Costs and Fees

1. Court Costs. In any case, the Court may assess costs, as provided by law against the defendant, not to exceed twelve dollars (\$12.00).
2. Additional Fees. In addition to any costs which may be assessed by the Court in subsection (1) hereof, the Court may assess fees for service costs, change of venue fees, witness fees, jail costs, duplication costs, record search costs, and such other administrative costs as shall be ordered by the Court.
3. Collection of Costs. Such costs as assessed shall be collected by the Clerk.

69.18 Release from Custody

1. Traffic Offense - Release on Posting License as Bail. Any peace officer who arrests any person for violation of any traffic ordinance shall take the name, address, operator's or chauffeur's license number, registration number of the vehicle involved, and such other pertinent information as may be necessary or required, and shall issue to such person, in writing, a Missouri Uniform Traffic Ticket summoning him to answer the alleged charge at the time and place specified in said summons. In connection with arrest for an alleged traffic offense, a resident of this state may be released in the discretion of the arresting officer by depositing his current Missouri's operator's or chauffeur's license with the arresting peace officer, or other appropriate designated official, in lieu of bail, and the officer shall mark the summons indicating such license deposit.
2. Release on Personal Recognizance. Every Defendant who shall not meet the standards set out in Rule 69.18(1) shall be released on his own personal recognizance if, after preliminary investigation, it appears to the arresting authority that the defendant will appear in court as scheduled. No person shall be released upon personal recognizance where the person is arrested on a warrant for failure to appear in court.
3. Release on Posting Bail Bond. Every Defendant who does not meet the standards set out in Subsection (1) or (2) shall be subject to release upon the posting of an authorized bail bond set by the Court.

69.19 Traffic Violations Bureau

1. Establishment of Bureau. A Traffic Violations Bureau is hereby established to accept appearances of defendants in designated traffic cases where guilty pleas may be received on waiver of trial and payment of designated fines, penalties and costs. The Clerk is hereby designated Violations Clerk of such Traffic Violations Bureau, and it shall be his function to cause to be processed therein such designated traffic offenses in accordance with the schedule of fines, penalties and costs ordered by the Court. The Violations Clerk or his designee shall perform the following duties:

- A. Receive and issue receipts for bail from persons who must or wish to be heard in court and enter the time of their appearance which shall be the arresting officer's scheduled court date whenever possible.

- B. Keep records which shall contain all pertinent data relative to the original proceeding and ultimate disposition of each case and make such reports as may be required by the Municipal Division.

2. Procedure for Pleading and Paying at the Bureau. The Missouri Uniform Traffic Ticket, substantially in the form required by the Supreme Court of the State of Missouri, as amended, shall be utilized in the disposition of cases in the Traffic Violations Bureau.

- A. Not earlier than four (4) days, nor later than fifteen (15) days after the offense, any persons charged with any traffic offense, other than an offense requiring mandatory court appearance, may appear in person or by attorney or by any member of his immediate family before the Violations Clerk and upon signing a "plea of guilty" and "waiver of trial," pay the fine established for the offense charged and costs. He shall, prior to such plea, waiver and payment, be informed of his right to stand trial, that his signature to a plea of guilty will have the same force and effect as a judgment of the Court and that the record of conviction will be sent to the Director of Revenue of this state or the appropriate officer of the state from which he received his driver's license.

- B. Court Appearance Required. All designated offenses shall be within the authority of the Traffic Violations Bureau, provided that a court appearance shall be required, and the Traffic Violations Bureau shall have no authorization for traffic cases involving

property damage or personal injury, operation of a motor vehicle while under the influence of intoxicating liquor or drugs or permitting another person under such influence to operate a motor vehicle owned by the defendant or in his custody or control, speeding in excess of 15 miles an hour above the legal speed limit, any second speeding offense in a two-year period, driving without license but not expired license when within 60 days after expiration, driving when license is suspended or revoked, or leaving the scene of an accident.

C. Procedure after Two Convictions. Any person who has twice been found guilty in any court having jurisdiction of Traffic Cases or who has signed a plea of guilty to two previous moving traffic offenses in the preceding two-year period or shall have been charged with such offenses without either paying a satisfaction fine or posting an appearance bond with the time required by law or has forfeited bonds for such offenses, shall not be permitted to appear before the Violations Clerk but shall be required to appear in court on third and subsequent offenses within said preceding two-year period.

3. Location and Hours. The Traffic Violations Bureau shall be located in Room 118, City Hall, 12th and Market Streets and open at 8:00 a.m. and remain open until 5:00 p.m. daily, Monday through Friday, and on Saturdays shall remain open until 12:00 noon, inclusive, holidays and Sundays excluded.

RULE 70 PARTITION

No Local Rule.

RULE 71 ADMINISTRATIVE REVIEW

71.1 Procedure

1. This rule shall apply to all proceedings for judicial review of final agency decisions except as otherwise provided by law or Supreme Court Rule. Nothing contained in this rule shall be deemed to affect the time within which a proceeding for judicial review must or may be commenced, or the time within which the agency record must or may be filed.
2. After the record on appeal has been filed in the Court, briefs and/or proposed judgments may be filed if desired by either party and shall be filed if required

by the Court. The Court will establish a briefing schedule in connection with any case in which briefs are filed. Service of briefs and other case papers upon opposing counsel may be shown in any manner permitted by Supreme Court Rule.

3. Following the filing of all briefs or if no briefs are filed, when the case is otherwise ready for submission, any party, upon proper notice to all other parties, may request a setting for oral argument. If no party desires oral argument, all parties shall so notify the Court in writing and thereupon, unless otherwise ordered by the Court, the case will be submitted on the briefs or if no briefs are filed, the case will be submitted on the agency record. If no party files briefs or requests oral argument within thirty (30) days after the record on appeal has been filed, the court may take the case as submitted and enter judgment therein.

71.2 Filing

The filing of each petition for review of a contested case shall be accompanied by a certificate that the petition has been mailed or delivered to all parties of record to the administrative proceeding, or their attorneys. The certificate shall be on a form provided by the Circuit clerk.

(Adopted 9/10/01)

RULE 72 PROBATE

The Judge presiding in the Probate Division shall establish such procedures from time to time consistent with these rules to implement the Probate Code Revision of 1980.

RULE 73 SMALL CLAIMS

No Local Rule

RULE 74 TRUST ESTATES

74.1 Inventory

Within thirty (30) days after appointment every trustee shall file, and present to the division of the Circuit Court wherein he was appointed, an inventory in writing of the property and effects comprising the trust estate.

74.2 Reports

Every trustee shall, on or before February 1st of each year and at such other times as ordered, file and present a report in writing of conditions of said trust estate.

74.3 Record

It shall be the duty of the Clerk of the Circuit Court to maintain a book or record listing the number of said cause, style, date such proceeding was filed, and the date that the appointment of a Trustee was made, so that the Circuit Court shall be advised as to the pendency of such proceedings where reports of Trustees are required to be filed. It shall also be the duty of said Clerk to report and present in writing to the appointing division, within ten days after the inventory or report should have been filed, the failure of the Trustee to file the same.

74.4 Audit

The Judge of the division wherein said trust estate is pending shall cause the auditing department of the Probate Division of the Court to examine and audit all settlements and reports pertaining to any trust estate prior to approval thereof.

RULE 75 ABUSE - ADULTS AND CHILDREN

75.1 Protective Orders

Full orders of protection shall be served upon respondent or mailed by certified mail to the respondent at respondent's last known address. The clerk shall be responsible for mailing such order of protection by certified mail upon the direction of the judge or if personal service cannot be obtained by the Sheriff. Unserved orders of protection shall be returned by the Sheriff to the clerk of the division out of which such orders originated for mailing. (adopted May 28, 1996).

POST TRIAL

RULE 81 EXECUTION

81.1 Clerk to Provide Blank Forms

The Clerk shall provide blank forms for requesting executions, garnishments and writs of sequestration.

81.2 Requirements for Requests

The forms, except those used in Small Claims Court, shall be completed with typewritten entries, shall designate the creditor and debtor in the caption, shall identify and describe the judgment, shall itemize all charges and credits, shall set out the total amount currently due, the term thereof, and shall be sworn to by the creditor or the attorney for the creditor. In Small Claims Court the form prescribed in Supreme Court Rule 155 may be used.

RULE 82 GARNISHMENTS

82.1 Form of Request

See rule 81.1 above.

82.2 Receipt of Funds

82.2.1 Publication of Receipt

Upon receipt of funds from a garnishee the clerk shall note the receipt on the judge's docket sheet and cause publication of the receipt and the amount received in the St. Louis Daily Record.

(amended 11/20/00)

82.2.2 Clerk to Deposit Funds

The Clerk shall deposit the funds received in an account kept solely for garnishment funds.

82.3 Disbursement of Funds

The Clerk shall disburse funds by drawing a check on the garnishment account and delivering the check to the attorney for the creditor.

82.4 Examination of Judgment Debtors

The filing of a Motion for Examination of Judgment Debtor will supersede any motion filed against the same judgment debtor, thereby dismissing the earlier motion and the action will proceed on the later motion.

(Adopted September 19, 1994).

RULE 83 JUDICIAL SALES

No Local Rule.

RULE 84 USE OF ORIGINAL FILE AND NUMBER

1. Collection Proceedings. The original file folder shall be used for all executions, garnishments, sequestrations, examinations of debtor and other motions for the collection or satisfaction of the judgment and there shall be no additional filing fee for such proceedings.
2. Modification and Revival Proceedings. The original file folder shall be used for proceedings to modify or revive a judgment, but the Clerk shall require a new deposit for costs before accepting such proceedings.
3. Preservation of Accumulated Papers. For convenience in handling bulky files the Clerk may remove papers, except minutes of proceedings, related to completed proceedings from the file folder and preserve the removed papers in a supplementary folder or package which shows the number and style of the case; the notation that the balance of the file is in the file room shall be made on the original folder and the supplementary folder or package shall be retained in the file room unless it is specifically requested.

RULE 85 TRANSCRIPT JUDGMENTS

1. The Clerk shall provide forms for the use of persons requesting transcripts of judgments rendered under Chapter 517 procedures.
2. Upon the receipt of such a request and the sum of \$2.00, the Clerk shall file said request form in the file in which said judgment has been entered, and cause to be entered in said file the following:

"Request for certified transcript of judgment filed. Pursuant to Sec. 517.770 and 517.780 RSMo 1986, the entry of judgment herein is hereby constituted a certified transcript thereof and has been entered by the Clerk in a book kept for that purpose and is his permanent record of Circuit Court Judgments."

RULE 86 FINES, PENALTIES, AND FORFEITURES

The Circuit Clerk shall accept and account for all fines, penalties, forfeitures and other sums of money, by whatever name designated, accruing to the Board of Education by virtue of any order, judgment, or decree for the Court, excepting orders, judgments and decrees of the Municipal and Probate divisions.

RULE 87 WRITS OF HABEAS CORPUS

Writs of Habeas Corpus involving detainees at the City Jail, Medium Security Institution, or other adult detention facilities wherein venue lies in the City of St. Louis shall be assigned to Division 16.

Writs of Habeas Corpus involving juveniles shall be assigned to the Juvenile Division.

Writs of Habeas Corpus involving custody of children in domestic relations matters shall be assigned to Division 15.

All other Writs of Habeas Corpus shall be assigned to Division 1 for further assignment as directed by the Presiding Judge.

(Adopted 11/20/89)

INTERNAL ORGANIZATION

RULE 100

100.1 Presiding Judge

100.1.1 Election

1. Election and Tenure. The Circuit Court en Banc at its December meeting beginning in 1978 and biannually thereafter in September shall elect, by secret ballot of the majority of the Circuit Court, a Presiding Judge and Assistant Presiding Judge of the Circuit Court who shall hold their offices for a period of two years, beginning January 1 of the following year. The Assistant Presiding Judge shall perform the duties of the Presiding Judge whenever called upon to do so by the Presiding Judge, or in the temporary absence or incapacity of the Presiding Judge, and in the event of a permanent vacancy until such time as a successor for the balance of the term is elected.

2. Removal. The Presiding Judge or the Assistant Presiding Judge may be removed by a two-thirds vote of all the Judges of the Circuit Court en Banc at a meeting called for that purpose.

100.1.2 Duties of the Presiding Judge

The Presiding Judge shall be responsible for the administration and management of the Circuit Court. Every Judge of the Circuit Court and all other Circuit Court personnel shall comply with his directives in respect thereto. He also shall perform such other duties as are provided by law and Supreme Court Rule

and as the Circuit Court en Banc and these Rules direct. His duties shall include:

1. Presiding at the sessions of the Circuit Court en Banc. He shall circulate a tentative agenda for the regular sessions five days before the date of the session.
2. Presiding in Division No. 1 of the Court.
3. Scheduling and coordinating vacations of the Judges of the Court. Every Judge shall make his vacation request to the Presiding Judge not less than 30 days in advance of the requested vacation.
4. Directing and supervising the work of the Court Administrator.
5. Handling all contacts with the media and being the sole spokesman for the Circuit Court on all policy and administrative matters.
6. Handling, or designating a Judge or other court personnel to handle the liaison and personal contact with other governmental agencies.
7. Authorizing and approving of purchases of all articles, material and supplies, and all orders for repairs and services, necessary for the use of the Court. He shall make periodic reports to the Court en Banc.
8. Approving all accounts for articles, materials and supplies purchased, and repairs made and services rendered, for the use of the Court, including the accounts of the Circuit Clerk and Court Administrator.
9. Arranging, and reporting to the Court en Banc the Calendar for the following year, no later than October 15th of the preceding year. The Calendar shall indicate the weeks, if any, when there shall be no jury trials.
10. Seeing that reasonably adequate modern physical facilities are provided for carrying out the necessary functions of the Court.
11. Establishing standardized administrative procedures in the various Divisions of the Circuit Court.

(amended 11/24/97)

100.1.3 Sanctions

If any Judge of the Court shall fail to comply with a directive of the Presiding Judge of the Court or any assignment under Rule 6.8 the Presiding Judge shall deliver to that Judge a confidential written directive. The Judge, should he continue in his refusal to comply therewith, shall deliver to the Presiding Judge a confidential written explanation of his refusal and the reasons therefore. If the Presiding Judge rejects the explanation he shall refer the matter to the Advisory Committee in accordance with Rule 100.1.4.5. The Court en Banc meeting in Executive Session shall determine the merits of any appeal from the Advisory Committee and may take appropriate action.

100.1.4 Committees

100.1.4.1 Committees (Amended 2/14/89; 2/3/92; 9/27/93)

The following standing Committees shall be appointed by the Presiding Judge of the Circuit Court:

- Budget Committee
- Family Court Committee
- Rules Committee
- Operational Support Committee
- Court Automation Committee
- Legislation Committee
- Personnel Committee
- Jury Supervision Committee

Each Committee shall consist of such number of members as shall be fixed by the Presiding Judge or these Rules and shall report to the Presiding Judge their recommendations to the Circuit Court en banc. Such recommendations as require action by the Court en banc shall be submitted to the Court at the next regular meeting or at a special meeting called for that purpose. The Presiding Judge may appoint special Committees as deemed necessary to assist in carrying on the responsibilities of the Court.

100.1.4.2 Budget Committee

The Budget Committee shall cause the Court Administrator to prepare and present to the Committee for its approval and for presentation for approval to the Court en Banc annual city and state budgets for all of the operation of the Court. The Committee shall fix

a date by which proposed budgets shall be submitted to the Committee. Not less than thirty days prior to the dates fixed for the filing of said budget requests with the City of St. Louis or the Supreme Court of Missouri, said budgets shall be submitted for approval to the Court en Banc. The budgets as submitted or as amended by the Court shall be approved by a majority vote of the Circuit and Associate Circuit Judges.

100.1.4.3 Family Court Committee

The Family Court Committee shall meet regularly and make recommendations to the Presiding Judge concerning the operation of the Family Court. The Committee shall receive proposed changes to the Family Court Policy Manual and make recommendations to the Court en banc on those changes. All changes made in the Family Court Procedures Manual will be furnished to the Committee. (Adopted 9/27/93, effective 10/27/93)

100.1.4.4 Rules Committee

The Rules Committee shall consist of five Circuit Judges and two Associate Circuit Judges. The Committee shall meet from time to time and report to the Presiding Judge recommended changes in the Rules of the Circuit Court en Banc.

100.1.4.5 Advisory Committee to the Presiding Judge

There shall be an Advisory Committee of the Presiding Judge which shall consist of the immediate past Presiding Judge, the incumbent Assistant Presiding Judge and three Judges elected by Circuit Judges and one Associate Circuit Judge elected by the Associate Circuit Judges at the meeting of the Court en Banc in December of the year at which the Presiding Judge is elected. The two year term shall commence on January 1st of the year following said election. In the event that a vacancy occurs among the elected members the vacancy shall be filled by vote of the Circuit Judges or Associate Circuit Judges at the next meeting following occurrence of the vacancy. The three Circuit judges to be elected shall consist of one Judge with ten years or more of service on the bench, one Judge with five or more but less than ten years on the bench and one Judge with one but less than five years on the bench. The Advisory Committee to the Presiding Judge shall meet upon the request of the Presiding Judge for purposes of consultation. The Committee shall also meet to review actions of the Presiding Judge affecting individual Judges upon written request of the affected

Judge or Judges, the decision of the Committee to be binding unless appealed to the Circuit Court en Banc.

100.1.4.6 Jury Supervision Committee

The Jury Supervision Committee shall meet regularly and make recommendations to the Presiding Judge concerning the operation of the Office of the Jury Supervisor. The Committee shall receive proposed changes to the Office of the Jury Supervisor Policy Manual and make recommendations to Court en Banc on those changes. All changes made in the Office of the Jury Supervisor Procedures Manual will be furnished to the Committee.

100.1.4.7 Drug Court Committee

See Rule 100.14.6

100.1.4.8 Review and Evaluation Committee

The Review and Evaluation Committee shall meet regularly or at the direction of the Presiding Judge to review and evaluate the methodology by which this Circuit conducts its business and to explore other options that may prove a better means to administer justice in the Twenty-Second Judicial Circuit. The committee shall submit reports and recommendations thereon to the Presiding Judge and the Court en Banc. (adopted April 9, 2001)

100.1.5 Assignment Judge

100.1.5.1 Selection and Tenure of Assignment Judge

There shall be an Assignment Judge of the Criminal Division appointed by the Presiding Judge. The Assignment Judge shall be a Circuit Judge and serve until relieved by the Presiding Judge, but shall not serve as such for more than one year.

100.1.5.2 Duties of Assignment Judge

Division No. 16 of the Circuit Court shall be the Criminal Assignment Division, and the Assignment Judge of the Criminal Division shall preside over this division. The Assignment Judge shall have charge of the docket of the Criminal Division of the Circuit Court, shall impanel, instruct, supervise and recess the grand jury, and shall hear and determine all matters and proceedings necessary to make up the issues in Criminal causes, except as otherwise provided in these rules. (amended May 27, 1997)

100.1.5.3 Other Judges to Assist Assignment Judge

The Assignment Judge shall have discretion to assign arraignments, motions and other matters, including impaneling, instructing and supervision of the Grand Jury, to any other Judge presiding in a Criminal Division in order to expedite the business of the Court.

100.1.5.4 Absence of Assignment Judge

In the absence of the Assignment Judge for the Criminal Divisions or his inability to act, the Presiding Judge may designate any other Circuit Judge to preside in his place.

100.2 Local Court Rules

100.2.1 Formulation (Amended 11/24/86)

The recommendations for changes in the rules shall be delivered in writing to each Judge of the Circuit Court ten days or more before the En Banc meeting when they will be considered. When a rule change shall have been approved by at least a majority of all the Circuit Judges of the Court en Banc, the Court Administrator shall cause a copy of the change to be delivered within fifteen (15) days to each Judge in the Circuit Court and to the Clerk of the Supreme Court of Missouri.

100.2.2 Publication

When so ordered by the Circuit Court, changes in the rules shall be published in the St. Louis Daily Record.

100.2.3 Rules - When Applicable

Rules 1 through 100 shall govern the administration of the Circuit Court of the City of St. Louis and all actions in the Circuit Court; however, they shall not govern the procedure in causes in the Probate Division or the Municipal Division unless clearly applicable.

100.3 Library Fund

See Rule 5.

RECORDS AND FILES

100.4 Storage of Records

100.4.1 Reproduction, Preservation, Archival Storage and Disposal of Original Circuit Court Files (and Their Contents)

No Local Rule.

100.4.2 Reproduction and Preservation of Court Records Other Than Files (and Their Contents)

No Local Rule.

100.4.3 Responsibility for Indexing and Preserving Court Reporter Notes

1. Section 485.050 RSMo provides, in part: "...It shall be the duty of the official court reporter...under the direction of the Judge...to preserve all official notes taken in said Court for future use or reference..."

2. After the effective date of these rules, it shall be the duty of the official court reporters and the swing court reporters of the Circuit Court of the City of St. Louis to index their notes, in the manner hereinafter set out and place the notes in storage boxes provided by the Circuit Clerk for future use or reference.

100.4.4 Identification of Reporter's Notes

1. In all cases except probate cases, the notes on each case shall bear the following information clearly visible in words and figures (not stenographically):

(a) Date; (b) Case number; (c) Style of case; (d) Division; (e) Judge's name; (f) Reporter's name.

2. Probate cases shall be assigned a sequential number, by the official court reporter, beginning with the number 1, and consecutively numbered thereafter for each matter recorded, for the period that the official reporter is assigned to that division. The notes on each case shall bear the following information clearly visible in words and figures (not stenographically):

(a) Date; (b) Case number; (c) Style of case; (d) Division number; (e) Judge's name; (f) Reporter's name; (g) box number; (h) reporter's sequential note number.

3. In addition to the markings in paragraph one above, notes in criminal cases shall be marked in red "Criminal" so that if at some future date all old notes may be destroyed, notes in criminal cases may be readily identifiable for longer retention than other notes.

100.4.5 Index

1. In all cases, except probate cases, a daily chronological index shall be maintained by all court reporters, listing for each day and each case reported the following:

(a) Date; (b) case number; (c) style of case and the box number in which such notes are stored.

2. In probate cases the chronological index will be maintained on a weekly basis and indexed as indicated in Rule 100.4.4.2.

100.4.6 Storage of Notes

1. After proper indexing, court reporter notes will be placed in approved storage boxes furnished by the Circuit Clerk. The storage boxes will be numbered consecutively by each reporter who will indicate on the top and one side or one end of the box, as instructed in writing by the Circuit Clerk's representative, the following:

(a) Official reporters will indicate the name of the court reporter; the commencing and concluding dates of the notes contained therein; the division number and the Judge's name.

(b) Swing reporters will indicate the name of the court reporter; the commencing and concluding dates of the notes contained therein and the word "Swing."

(c) Substitute reporters see Rule 100.4.7.

2. When each box has been filled, a copy of the chronological index of notes shall be placed in the box; a copy shall be retained by the court reporter; and a copy delivered to the Circuit Clerk's representative at the time the division messenger brings the box to the designated storage area. The Clerk's representative will sign the reporter's copy of the chronological index and indicate the date received.

3. (a) Official reporters. Official court reporters may retain boxes of notes in their respective divisions for a period not to exceed two calendar years.

(b) Swing reporters. Swing court reporters may retain boxes of notes in a designated room in locked file cabinets for a period not to exceed two calendar years.

(c) Substitute reporters. See Rule 100.4.7.

4. Boxes of notes ready for storage will be filed under the reporter's last name and not the division number of the Court, in the areas predetermined by the Clerk's office. After a period of time should the need arise to move a reporter's box of notes, the reporter shall be advised, in writing, of the new location to which his/her notes will be moved.

5. (a) The Clerk will maintain a list of all court reporter notes in each storage area. Storage rooms will be secured and no reporter shall enter a room unless accompanied by the appropriate representative of the Clerk's office. Court reporters wishing to borrow notes for official purposes will submit requests to the designated representative in the Clerk's Office. The representative will accompany reporters to the rooms to log out court reporter notes.

(b) The same procedure will be followed by court reporters in returning notes to storage.

6. Probate division court reporter notes, after proper indexing, will be placed in approved storage boxes furnished by the Clerk of the Probate Division. The storage boxes will be numbered consecutively, marked pursuant to instruction of the probate division clerk and stored in the area predetermined by the probate division clerk.

100.4.7 Notes of Substitute Reporters

1. Substitute reporters shall index their notes and transfer them to the reporter whom the substitute reporter temporarily replaced (except as indicated in Paragraph 2) for storage with the notes of the division reporter.

2. When an official reporter of this Circuit temporarily replaces another reporter of this Circuit her/his notes shall be indexed by both reporters indicating in the "comments" column that the notes have been filed with notes of the reporter who reported the proceedings.

100.4.8 Storage of Notes Upon Retirement, Termination or Death of Court Reporters

1. Upon retirement or termination of employment of a reporter, it shall be the duty of the terminated reporter to index and box all of her/his notes so that they may be taken by the division messenger and stored in designated areas.

2. Upon the death of a reporter, the designated representative of the Circuit Clerk will box all of the deceased reporter's notes, include such index as is available, update same where possible and store in designated areas. In the event there is difficulty in completing the index the designated representative should communicate with the President of St. Louis City Circuit Court Reporters' Association for assistance.

100.4.9 Boxing and Storage of Old Notes

No Local Rule.

100.4.10 Responsibility for Furnishing Materials and Space for Storage of Court Reporter Notes.

No Local Rule. See Rule 100.4.6.

100.4.11 Procedure for Examination of Criminal Records

No Local Rule. See Rule 100.4.6.

100.4.12 Procedure for Expunging and Closing Criminal Records

All petitions for expungements of arrest records pursuant to Section 610.122 RSMo, shall be filed in the office of the Circuit Clerk, 1st Floor, Civil Courts Building. The clerk shall make available without charge to any person requesting a petition for expungement.

The Clerk of the Circuit court shall assign as soon as filed all petitions to the two Non-Jury Divisions of the Circuit Court, Divisions 2 and 3, in regular rotation in such manner that one-half of all such causes shall be assigned to Division No. 2 and the remaining one-half to Division No. 3.

The clerk of the division to which such cause is assigned shall set a hearing on the matter no sooner than thirty days from the filing of the petition and shall send notice of the hearing together with a copy

of the petition by regular mail to each official, agency, or other entity named in the petition.

(adopted December 23, 1996)

100.4.13 Destruction of Court Reporter's Notes

Court reporter notes may be destroyed in civil cases wherein final judgment was entered prior to January 1, 1960, and in criminal cases where defendants were sentenced prior to January 1, 1960, unless defendants are still confined or on parole.

100.4.5 Clerk's Duties

See Rules 12 and 82.

100.6 Office of the Jury Supervisor

100.6.1 Qualification of Jurors

All jurors shall be summoned to appear in the Jury Assembly Room. They shall be qualified as to their competence to serve and shall be assigned from that room to the various divisions.

100.6.2 Number of Jurors to be Summoned

The number of jurors to be summoned for each week shall be determined by the Presiding Judge of the Circuit Court.

100.6.3 Juror postponements

Upon timely application by a prospective juror, the Jury Supervisor, acting in accordance with written guidelines approved by the Court en banc, may postpone that prospective juror's service to a later date.
(Amended 4/13/92; 11/22/99)

100.6.4 Rules Printed on Jury Summons

Jury summonses shall be in such form and contain such information as the Jury Supervision Committee shall direct.

100.6.5 Jury Panel Listing

Jury Panel Sheets listing the entire group of jurors summoned on a given day and/or the jurors selected for a specific jury panel will not be exhibited to anyone without a written court order from the Presiding Judge

except those whose official duties so require.
(Amended 4/13/92)

100.6.6 Rules and Routine for the Jury Assembly Room
(Amended 4/13/92)

1. The Jury Assembly Room shall be operated by the office of the Jury Supervisor for the Circuit Court. The judge presiding in Division No. 2 shall be in charge of the Jury Assembly Room in the even numbered months, and the judge presiding in Division No. 3 shall be in charge of the Jury Assembly Room in odd numbered months. In the necessary temporary absence of the judge in charge of the Jury Assembly Room, they may call upon any other judge presiding in a civil division to perform their duties.

2. Jurors shall be assembled in the Jury Assembly Room unless the judge in charge, for good cause, shall otherwise direct.

3. A Deputy Sheriff shall be assigned to the Jury Assembly Room to preserve order, execute Court orders and expedite the movement of jury panels from the Jury Assembly Room to the various divisions.

4. The Jury Supervisor on behalf of the Circuit Court and under their supervision shall:

a. Check in all jurors and mark attendance on the jury list.

b. Keep a record of every juror whose service has been postponed for entry back into the master pool of jurors.

c. Choose random jury panels as needed for service in the various divisions and as may be designated by the Judge in charge of the Jury Assembly Room.

d. For each jury panel the Jury Supervisor shall cause to be made at least six (6) copies of a list containing all jurors on such panel. The specific number of copies are to be requested by the Deputy Sheriff. One (1) copy shall be for use in the Jury Assembly Room; the other copies shall be given to the Deputy Sheriff for use by the trial division Judge, the courtroom Deputy Sheriff and counsel for each side.

e. After a panel has been requested and the listing thereof made, the Jury Supervisor acting on behalf of the Circuit Court, shall place the panel in the custody of the Deputy Sheriff who shall conduct the panel to the appropriate division. The Jury Supervisor shall cause additional jurors to be sent to the various divisions upon call as needed.

f. No jury panels shall issue from the Jury Assembly Room to trial divisions until such time as the presiding judge of the Jury Assembly Room determines there are present in the Jury Assembly Room sufficient jurors from which a random selection can be made.

5. The presiding judge in charge of the Jury Assembly Room may hear juror excuses and requests for postponement that may not have been received by the office of the Jury Supervisor at the time designated on the jury summons.

6. No judge shall request a panel until after a cause has been assigned to his division and is ready for trial.

7. A panel of jurors will be used for only one trial; however, if a cause is settled before the jury is selected, the Judge may retain the panel for the next cause assigned that division.

8. All members of the panel whose services are no longer needed shall, unless otherwise directed by the Jury Supervisor, return to the Jury Assembly Room.

9. No jurors who have served during the week for which they were called shall be held over for additional service except that their service shall be continued on any jury engaged in the hearing of the case until such cause is completed.

10. All pay vouchers certifying to the number of days each juror has served shall be signed by the Office of the Jury Supervisor for those jurors who are released from the Jury Assembly Room. The Deputy Sheriff shall complete the pay voucher by certifying the number of days served by each juror who is released from the trial division. The Jury Supervisor shall from day to day discharge the jurors that will not be needed further.

11. The office of the Jury Supervisor shall contact the judges presiding in the trial divisions no later than 4:00 p.m. each day as to whether any additional jurors will be needed that day in those respective divisions.

Rule 100.7 Additional Compensation Forbidden

No employee of the Circuit Court shall accept additional compensation for performing the regular duties of his or her employment.

Rule 100.8 Family Court

(adopted 9/27/93 effective 10/27/93; amended 3/29/99)

100.8.1 Divisions of the Family Court.

The Family Court in the Twenty Second Judicial Circuit shall consist of the following divisions as designated by the Presiding Judge, which divisions shall hear and determine the following matters:

a. Division 30 - Juvenile Division-

1. Adoption actions and all actions and proceedings conducted pursuant to the provisions of chapter 453, RSMo;

2. Juvenile proceedings and all actions provided for in chapter 211, RSMo;

3. All actions provided for in chapter 210 RSMO other than those actions reserved for other Family Court Divisions pursuant to section 100.8.1.b.3 of this rule.

4. Guardianship proceedings that are transferred to the Family Court pursuant to section 487.090.4.

b. Division 15 - Domestic Relations -

1. All actions or proceedings governed chapter 452, RSMo, including but not limited to dissolution of marriage, legal separation, separate maintenance, child custody and modification actions;

2. Actions for annulment of marriage;

3. Actions to establish the parent and child relationship, except actions to establish a person as an heir, devisee or trust beneficiary for all actions provided for in chapter 210, RSMo.

4. Notwithstanding the above provisions, in those cases in which counsel for the petitioner states in writing that the case shall be uncontested, the case shall be assigned to Division 14, and in those cases pending in Division 15 that become uncontested may, at the discretion of the judge presiding in Division 15, be transferred to Division 14.

c. Division 14-Domestic Relations -

1. Each case set forth above wherein the petitioner has stated in writing that the case is uncontested or that is transferred from Division 15 because it has become uncontested;

2. Actions for determination of support duties and for enforcement of support, including actions under the uniform reciprocal enforcement of support act and actions provided in chapter 454, RSMo;

3. Adult abuse and child protection action and all actions provided for in chapter 455, RSMo;

4. Change of name actions;

5. Marriage license waiting period waivers under chapter 451, RSMo.

d. Divisions as may be designated by the Presiding Judge as Family Courts on an interim basis.

e. Family Court actions may be consolidated pursuant to Missouri Supreme Court Rule 66.01(c).

100.8.2 Appointment of Family Court Judges.

Appointments to the Family Court shall be made by the Presiding Judge. An administrative judge of the Family Court shall be designated from one of the Family Court judges. Appointments to Divisions 14, 15 and 30 of the Family Court shall be for a term of four years unless shortened or extended with the

agreement of the Family Court judge and the Presiding Judge.

100.8.3 Appointment and Assignment of Family Court Commissioners.

A majority of the circuit and associate circuit judges en banc shall appoint, subject to appropriation, three commissioners to hear Family Court cases, as provided in § 487.020 RSMo. The commissioners shall be assigned to the division of the Family Court by the administrative judge of the Family Court.

100.8.4 Appointment of Family Court Administrator.

The Court Administrator shall be the Family Court Administrator.

100.8.5 Duties of the Family Court or Court Administrator.

The Family Court Administrator shall have the authority and responsibility as provided by law, and shall have authority to enter into cooperative agreements with other circuits for services and facilities with the approval of the Presiding Judge and the Court en banc.

100.8.6 Budget of the Family Court.

The budget of the Family Court shall be compiled and submitted in accordance with the regular procedures of the 22nd Judicial Circuit and shall be approved by the Court en banc.

100.8.7 Family Services and Justice Fund.

A Family Services and Justice Fund is established as provided by statute. The Circuit Clerk shall be responsible for collecting an additional \$30.00 fee in all matters filed after August 29, 1993, and within the original jurisdiction of the Family Court as provided by § 487.170 RSMo. The fee shall not be charged for filings under Chapter 455 RSMo. The Circuit Clerk shall, on a monthly basis, pay all sums collected under § 487.170 RSMo into the Family Services and Justice Fund and shall report to the Court Administrator the receipts and expenditures in this fund. This report shall be available for examination by all judges of this circuit.

Requests for services not currently available in the Family Court shall be directed to the Family Court administrative judge whose decision may be reviewed by the Presiding Judge if requested.

The office of the Comptroller shall be notified by the Presiding Judge or Court Administrator of those persons who have authority to approve expenditures from this fund.

100.8.8 Available Information in the Family Court.

Information, not otherwise confidential by law, contained in Family Court files concerning individuals or families who are parties in litigation shall be made available to the Family Court judge or commissioner who is handling the litigation. Any judge or commissioner requesting information in other Family Court files shall notify the attorneys in the pending cause of the inquiry into other files, the purpose of such inquiry and the nature of the information received.

Litigants and attorneys filing actions in the Family Court shall be required to complete a form provided by the Circuit Clerk which shall list any actions previously filed or pending in the Family Court of this circuit for a period of three years prior to the date of the present filing.

100.8.9 Transfer of Cases in the Family Court.

When a Family Court judge or commissioner has been involved in the handling or disposition of a Family Court matter, and subsequent litigation involving the same party or parties is filed in the Family Court, the subsequent litigation may be transferred to the Family Court judge or commissioner who heard the previous litigation, if it is in the best interests of the children involved, a party or parties and the administration of justice. In this regard, the following shall be considered:

Whether there was substantial involvement by the previous judge in hearing evidence, making findings or determining final disposition;

Whether information in the previous case is important for disposition in the present case;

Whether any party or attorney to the present action objects to the transfer of the cause to a previous judge;

Whether necessary services may be obtained without the transfer of the case;

Whether the transfer of the case will delay its final disposition.

The file in any such subsequent case shall be forwarded to the Family Court administrative judge with a recommendation from the forwarding judge. The administrative judge shall order whether the case shall be transferred.

No case shall be transferred to a judge who is no longer in the Family Court system.

A judge of the probate division may transfer a guardianship proceeding wherein a guardian of a minor is requested under Chapter 475, to the Family Court.

Upon transfer the Family Court shall have jurisdiction over the proceedings including the appointment of a guardian or conservator. Upon final judgment the matter shall be transferred to the probate division for administration.

100.8.10 Transfer of Cases for Services.

Any division of Family Court shall have the full range of services that are available to another division of the Family Court and may order such services as it deems necessary and appropriate for the disposition of a case. Therefore it shall generally be unnecessary to transfer cases in order to obtain services. Temporary transfers for services however, to other divisions of the Family Court system may be allowed upon application to and agreement of the Family Court administrative judge. The decision of the administrative judge is subject to review by the Presiding Judge.

100.8.11 Services in the Family Court.

Services available to the juvenile and domestic relations divisions of this circuit shall be available to all divisions of the Family Court. Additional services may be provided as the need is recognized and funds are available, provided that funds from the Family Service and Justice Fund may be

expended only as set forth in Rule 100.8.7. Personnel shall be transferred to the location or courtroom to provide the most efficient utilization of such services.

Services, except for all informal services provided in juvenile and domestic relations, may be requested by litigants but must be ordered by the court. Such requests shall be made so as to avoid delay in the disposition of cases. Reasonable fees, established by the Court en banc, may be charged for such services.

100.8.12 Mediation in Domestic Relations.

The Family Court shall take steps to encourage and utilize mediation for the disposition of domestic relations matters wherever appropriate.

100.8.13 Tort and Criminal Matters in Family Court.

Any tort action properly joined with any action within the original jurisdiction of the Family Court shall not be heard in Family Court but shall be placed on the civil docket unless the parties to the tort action agree in writing that the tort action may be retained in the Family Court.

In criminal actions where the defendant and victim are part of the same family unit, the judge of the division wherein the criminal action is pending may transfer the criminal matter to the Family Court only when:

(1) The defendant has waived his right to a jury trial; and

(2) both defendant and victim consent to the transfer; and

(3) the judge in the criminal division wherein the matter is pending and the administrative judge of the Family Court approve of the transfer.

100.8.14 Appointment and Responsibilities of the Liaison Committee.

A Liaison Committee may be appointed by the Family Court administrative judge. This committee shall meet at least quarterly and shall serve as a liaison for the professions, agencies, and organizations which utilize and provide services connected with the Family Court.

100.8.15 Family Court Committee.

A Family Court Committee is established as a standing committee of the 22nd Judicial Circuit and shall consist of the judges in Divisions 14, 15 and 30 together with a commissioner and two other judges of this circuit who have an interest in Family Court matters. The juvenile court committee is abolished.

100.8.16 Personnel.

The Family Court Administrator shall be the Family Court appointing authority and shall appoint, by merit selection, a Chief Juvenile Officer, a Chief Deputy Juvenile Officer, a Chief Psychologist, a Chief Legal Officer, a Superintendent of Detention and all such other personnel whose positions are authorized by the Court en banc.

The Budget Committee of the Court shall have complete discretion to review the classification of personnel and the number of appointments within each classification, and to make recommendations to the Court en banc; and nothing in the disciplinary rules shall be construed to restrict said final number of appointments.

Disciplinary actions and grievances, and appeals thereof, will follow Missouri Supreme Court Administrative Rule 7, Sections 7.01.B.12 through 7.01.B.13.5(h), for which the Family Court Administrator shall act as appointing authority.

Any employee of the Family Court appointed by the judge of the Juvenile Division or by the Family Court Administrator may be removed by the Family Court Administrator in accordance with the provisions of Missouri Supreme Court Administrative Rule 7, Sections 7.01.B.11.4 through 7.01.B.11.4(b)(9). Nothing in these Local Rules or Supreme Court Administrative Rule 7 detracts from the Court en banc

discretion to not re-appoint an individual to another term of office.

100.8.17 Qualifications.

The Family Court Administrator shall be responsible for hiring of the Family Court. Each person applying shall file a written application for the position applied for with the Family Court, setting out such information as may be required, and such applications shall be forwarded to the Family Court Administrator

All professional employees shall have a minimum of a Bachelor's Degree as a qualification. Applicants for the position of the Chief Juvenile Officer, Chief Deputy Juvenile Officer and Deputy Juvenile Officer Supervisors shall have a Master's Degree in social work, criminal justice, administration of justice, public administration, business administration, court management, a related field or a Law Degree. The Superintendent and Assistant Superintendent of Detention shall have a Master's Degree in social work, criminal justice, administration of justice, public administration, business administration, court management, corrections, a related field or a Law Degree. The Master's Degree or Law Degree must be from a school accredited in the chosen field. Applicants for the positions of Chief Legal Counsel and Staff Attorney shall have a Juris Doctor or Bachelor of Law Degree from an accredited school of law and shall have been admitted to the practice of law in Missouri and be a member in good standing. Applicants for the positions of Chief Psychologist and Supervising Psychologist shall have a Doctorate in Psychology from an accredited school in psychology and be a licensed psychologist in the state of Missouri.

Additional qualifications may be required commensurate with the responsibilities of each position. Each applicant shall be examined as to educational background and experience and selected in accordance with provisions of the Family Court Procedures Manual. Anyone who fails to meet the educational and experience requirements of the job description shall not be considered for the position.

100.8.18 Family Court Policies and Procedures.

For the purpose of establishing management, principles concerning the administration of the Family Court, there shall exist a Family Court Policy

Manual. The Manual will be promulgated by the Family Court Administrator reviewed by the Family Court and Personnel Committees, and approved by the Court en banc. All proposed changes to the Family Court Policy Manual will be referred to the Family Court and Personnel Committees for recommendations to the Court en banc.

A Family Court Procedures Manual shall be promulgated by the Family Court Administrator for the purpose of implementing policies in a uniform and efficient manner. Family Court and Personnel Committee members shall be furnished current copies of the Family Court Procedures Manual and all changes thereto.

100.9 Domestic Relations Department of Investigation

The personnel of the staff of the Domestic Relations Department of Investigation shall consist of a Chief of Domestic Relations, Deputy Juvenile Officer and such other personnel as may be approved by the Circuit Court en Banc.

All of such personnel shall have the qualifications, be appointed, and removed in accordance with the provisions of Rule 100.8.

100.10 Circuit Court en Banc

100.10.1 Court en Banc Sessions

The Circuit Court shall hold regular en banc sessions during each non-jury week as fixed by the calendar, except during the summer trial term. Special en banc sessions may be called at the request of six or more Circuit or Associate Circuit Judges. Notice of a call for a special en banc session shall specify all matters to be considered at the special session and no other matter may be considered at such meeting unless by consent of all the Associate and Circuit Judges of the Court.

100.10.2 Quorum

A majority of all the Judges shall constitute a quorum for the transaction of business of the Circuit Court en Banc. No alteration in the Rules of the Circuit Court shall be made without the concurrence of a majority of all the Circuit Judges of the Court.

100.10.3 Voting

Voting at a session of the Circuit Court meeting en banc shall be restricted to the Judges who are in attendance at such session and cast their vote in person.

100.10.4 Secretary

The Court Administrator shall act as Secretary to the Circuit Court en Banc. (Amended 11/24/86)

100.10.5 Minutes

The Court Administrator shall cause a draft of the minutes of every session of the Circuit Court en Banc to be delivered to each Judge within fifteen days from the date the session is held. (Amended 11/24/86)

100.11 Office of the Court Administrator

100.11.1 Court Administrator

The Court en banc shall appoint a Court Administrator. The Court Administrator may be removed by the Court en banc at its discretion by majority vote of the judges attending a meeting of the Court en banc. The proposed removal of the Court Administrator must be on the agenda of the regular or special meeting of the Court en banc.

The Court Administrator shall appoint by merit selection, an assistant court administrator, a pre-trial release commissioner, a human resource manager, a criminal docket controller, an information systems manager, a business office manager, and such other persons whose positions are authorized by the Court en banc. These employees and their offices shall be considered part of the Court Administrator's office for organizational, budgeting, and personnel purposes. The appointment of such personnel is subject to approval of the presiding judge. Personnel appointed pursuant to this rule may be removed by the Court Administrator. The authority of the Court Administrator to remove such persons includes all persons who occupy positions that were previously appointed by the Court en banc.

The Budget Committee of the Court shall have complete discretion to review the classification of personnel and the number of appointments within each classification of personnel and to make recommendations to the Court en banc, and nothing in the disciplinary rules shall be construed to restrict

said final Court en banc authority on personnel classification and the number of appointments.

(Adopted 5/30/89; amended 11/20/00)

100.11.2 Qualifications

The Court Administrator of the Circuit, to be appointed by the Circuit Court en banc, shall possess the following minimum qualifications: a Master of Arts Degree in Public Administration, Business Administration or a Law Degree. Experience should include 3 to 5 years of progressively responsible supervisory or professional positions in management or administration with 3 to 5 years in court management or court administration.

The Court Administrator shall be responsible for the hiring process in the Office of the Court Administrator. Each person applying shall file a written application for the position applied for with the Court Administrator's Office setting out such information as may be required and such applications shall be forwarded to the Court Administrator or his designee. All professional employees shall have a minimum of a Bachelor's Degree as a qualification. The Court Executive Assistant and Assistant Court Administrator shall have a Master's Degree in Public Administration, Business Administration or a Law Degree. Other employees considered to be professional and required to have at a minimum a Bachelor's Degree are the Pre-Trial and Assistant Pre-Trial Release Commissioners, the Personnel Officer, and the Data Processing Manager.

Additional qualifications may be required commensurate with the responsibilities of each position. Each applicant shall be examined as to his educational background and experience and selected in accordance with the merit provisions of the Procedures Manual of the Office of the Court Administrator. Anyone who fails to meet the educational and experience requirements of the job description shall not be considered for the position.

(Adopted 5/30/89)

100.11.3 Office of the Court Administrator Policies and Procedures

For the purpose of establishing management principles concerning the administration of the Office of the Court Administrator there shall exist an Office of

the Court Administrator Policy Manual. The Manual will be promulgated by the Court Administrator, reviewed by the Personnel Committee and approved by the Court en banc. All proposed changes to the Office of the Court Administrator Policy Manual will be referred to the Personnel Committee for recommendations of the Court en banc.

An Office of the Court Administrator Procedures Manual shall be promulgated by the Court Administrator for the purpose of implementing the Office of the Court Administrator policies in a uniform and efficient manner. Personnel Committee members shall be furnished current copies of the Office of the Court Administrator Procedures Manual and all changes thereto.

(Adopted 5/30/89)

100.12 Political Activity of Court Employees

1. Court employee is defined as a person who is subject to the hiring and firing authority of the Court. Court employees include employees of the Juvenile Division, the Court Administrator, Pre-Trial Release Commission, the Domestic Relations Department of Investigation, and assistants to the Presiding Judge. Court employees do not include deputy circuit clerks or deputy sheriffs.

2. No employee of the Court shall be a member of any national, state, or local committee of a political party, or an officer of a partisan political club. He shall not take part in the management or affairs of any political party or in any partisan political campaign. No employee shall be a candidate for nomination or election to any partisan public office or non-partisan office in conflict with his duties unless he resigns, or obtains a leave of absence from his position.

3. No person elected to partisan public office shall, while holding said office, be appointed a Court employee.

4. An employee who shall purposefully violate this rule shall be subject to dismissal or other appropriate disciplinary action.

100.13 State Court Employees

The following procedures will be followed in filling authorized positions with new employees or promoting employees from one position to a higher level position as

part of the State Circuit Court Personnel System governed by Administrative Rule 7:

100.13.1 Court Clerk

1. The Circuit Clerk shall certify, where applicable, that any prospective employee of the Circuit Clerk's Office is qualified on the personnel change authorization form which is to be forwarded to the State Courts Administrator's Office.

100.13.2 Probate Division

1. Applicants for authorized position vacancies in the Probate Division shall not be employed until the following procedures are completed and the Presiding Judge issues a letter authorizing employment of the applicant.

2. When an appointing authority desires to fill an authorized position with the prospective employee or to promote a present employee to a higher level position, he shall prepare and submit to the Presiding Judge a letter containing the following information:

A. Title of Position to be filled.

B. Desirable education and experience requirements set forth in the job description of the position to be filled.

C. The name of the applicant.

D. A statement of the education and experience of the prospective employee which the appointing authority feels qualifies the person for the position to be filled.

E. Results of a Police Department record check.

F. A certification from the appointing authority that he has read the education and experience requirements of the position to be filled; has reviewed and verified the education background of the prospective employee and certified that the prospective employee possesses the necessary requirements for the position.

3. The Presiding Judge will review the letter and certification of the appointing authority and refer same to the Circuit Court Personnel Committee for processing the application. Processing shall include:

A. Interview if necessary of prospective employee and review of application form.

B. Verification of education and work experience.

4. The results of the procedures in 3-A and B together with the recommendation of the Personnel Committee will be forwarded to the Presiding Judge.

5. Thereafter, the Presiding Judge shall send a letter to the appointing authority authorizing employment of the prospective employee or promotion of a current employee, where the prospective employee meets all requirements or, if the situation so indicates, send a letter to the appointing authority advising that the prospective employee does not possess the required qualifications. The Presiding Judge shall also certify, where applicable, that the prospective employee is qualified on the personnel change authorization form which is to be forwarded to the State Courts Administrator's Office.

(Adopted 5/26/87; amended 3/28/94, 9/21/98, 3/29/99)

100.14 Drug Court (Adopted 5/26/98)

100.14.1 Purposes of the Drug Court

To provide a treatment-based alternative to prison, jail, and probation for non-violent, low-risk criminals to the end that participants will lead crime-free lives.

100.14.2 Appointment of Drug Court Commissioner

The Court en banc shall appoint a Drug Court Commissioner. The Drug Court commissioner shall be under the supervisory authority of the chairperson of the Drug Court Committee as established per Rule 100.14.6. All orders, judgments and decrees of the Drug Court Commissioner shall be confirmed or rejected by a judge on the Drug Court Committee; if they are unavailable, by any circuit or associate circuit judge.

(Amended 12/21/98; 11/22/04)

100.14.3 Appointment of Drug Court Administrator

The Court Administrator may appoint a Drug Court Administrator, who shall serve at will.

100.14.4 Duties of Drug Court Administrator

The Drug Court Administrator shall be under the supervisory authority of the Drug Court Commissioner and Drug Court Committee and shall assist the Drug Court Commissioner in the administration of the Drug Court.

(Amended 12/21/98; 11/22/04)

100.14.5 Budget of the Drug Court

The budget of the Drug Court shall be compiled and submitted in accordance with the regular procedures of the 22nd Judicial Circuit and shall be approved by the Court en banc.

100.14.6 Drug Court Committee

A Drug Court Committee is established as a standing committee of the 22nd Judicial Circuit and shall be composed of five judges: the Criminal Assignment Judge, who shall be the chairperson, the Judge presiding in Division 25, the Judge presiding in the Juvenile Division, and two judges appointed by the Presiding Judge. The committee shall meet when convened by the chairperson for purposes of consultation; approval of the current Drug Court Programs; approval of any new programs or grant applications; approval of activities of the alumnae association; approval and submission of the Drug Court's budget to the Budget Committee; establishment and approval of the criteria for the admission of defendants into the Drug Court program; and approval of the Drug Court Manual, as provided for in Rule 100.14.7.

(Amended 12/21/98; 4/9/01; 11/22/04)

100.14.7 Drug Court Policies and Procedures

For the purpose of establishing management principles concerning the administration of the Drug Court, there shall be a Drug Court Policy Manual. The manual shall be prepared by the Drug Court Administrator, reviewed by the Drug Court Committee, and approved by the Court en banc. All proposed changes shall be referred to the Drug Court Committee, and shall be approved by the Court en banc.

100.14.8 Assignment of Cases to Drug Court

The Drug Court Commissioner shall, following the arrest of a defendant, and upon being satisfied that a case meets the criteria established pursuant to Rule 100.14.6, that the Circuit Attorney has determined that the defendant is a non-violent persons, and that the parties have agreed to the assignments, assign the case to Drug Court.

(Amended 12/21/98)

100.14.9 Transfer of Cases in Drug Court

The Drug Court Commissioner may transfer any case pending in Drug Court to Division 16 or to the Presiding Judge for trial assignment or to Division 25, as is appropriate, for further proceedings.

(Amended 12/21/98; 11/22/04)

100.15 Court Reporters

Each circuit judge may appoint an official court reporter pursuant to section 485.40 RSMo, and shall supervise the court reporter so appointed.

(Adopted 11/20/00)

100.16 Legal Staff

The Court shall have a legal staff, comprising a chief of the legal staff and such staff attorneys and law clerks as the Court may authorize from time to time. The members of the legal staff shall be appointed, and may be removed, by the Court en banc. The chief of the legal staff shall be supervised by the assistant presiding judge, and the staff attorneys and law clerks shall be supervised by the chief of the legal staff. The compensation of the members of the legal staff shall be set by the assistant presiding judge, subject to any pay schedule and plan that may be established by the Court en banc. The staff attorney/docket coordinator will continue to report to the presiding judge.

(Adopted 11/20/00)

100.17 Social Functions Under Supervision of Law Library Association

Pursuant to § 574.075, RSMo, as amended 2001, the Law Library Association is authorized to conduct social functions of the 12th and 13th floors of the Civil Courts Building, including mezzanines, and in other locations n the Civil Courts Building as authorized by the presiding

judge. Such social functions may be conducted through a suitable contractor/caterer. The Law Library Association shall provide the presiding judge with a certificate of insurance showing the Court and the City as named insureds for each event.

(Adopted 9/10/01)

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